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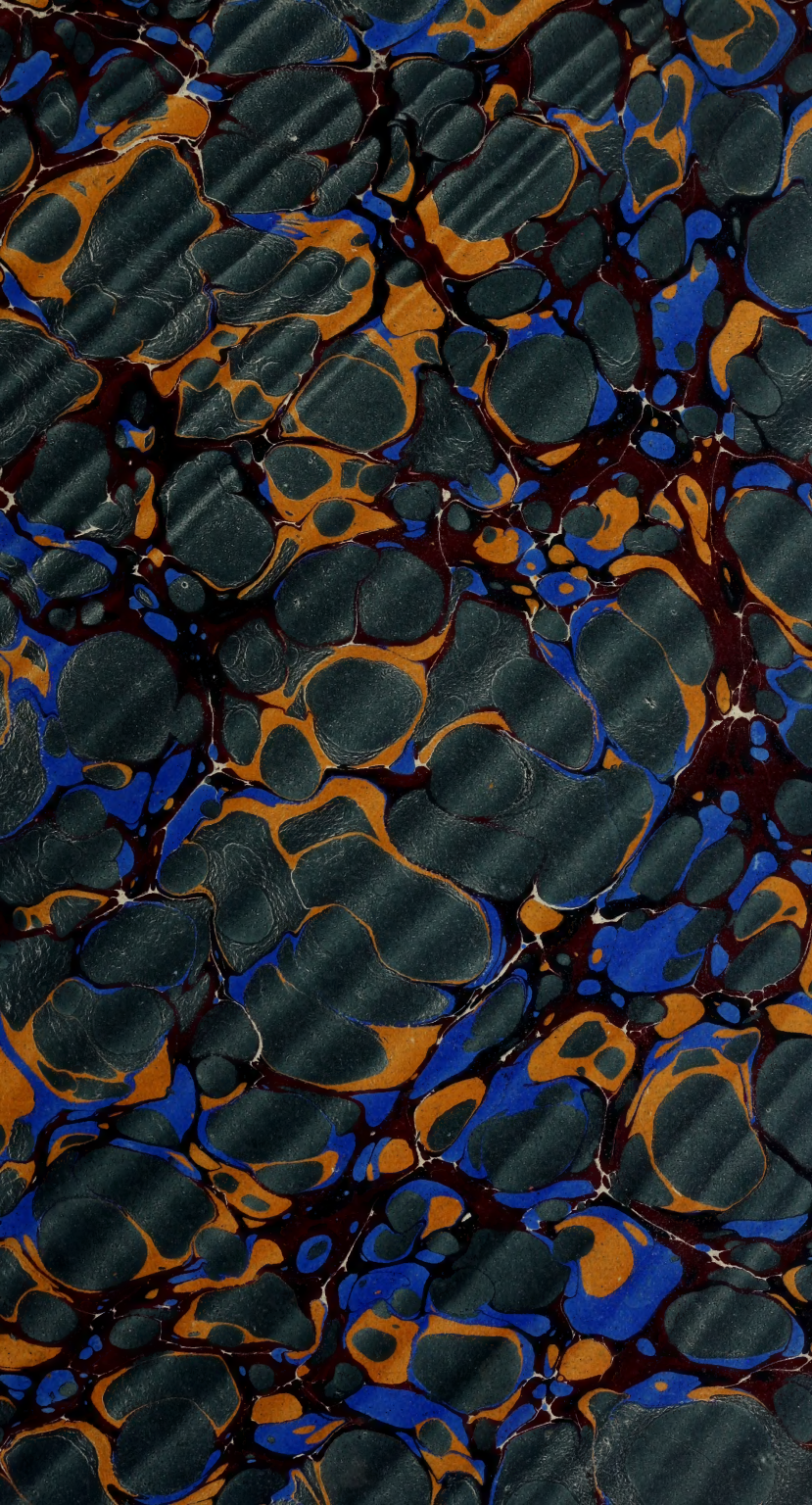
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BRITISH AND FOREIGN

State Papers.

SPEECH of the Queen, on the Opening of the British Parliament.—Westminster, February 5, 1875.

My Lords and Gentlemen,

It is with great satisfaction that I again meet you and resort to the advice and assistance of my Parliament.

I continue to receive assurances of friendship from all foreign Powers. The peace of *Europe* has remained, and I trust will remain, unbroken. To preserve and consolidate it will ever be a main object of my endeavours.

The Conference held at *Brussels* on the Laws and Usages of War has concluded its sittings. My Government have carefully examined the reports of its proceedings; but, bearing in mind, on the one hand, the importance of the principles involved, and, on the other, the widely divergent opinions which were there expressed, and the improbability of their being reconciled, I have not thought it right to accede to proposals which have been made for further negotiations on the subject. The correspondence which has passed will be presented to you.

The Government of *Spain*, presided over by Marshal Serrano, has ceased to exist, and the Prince of Asturias has been called to the throne under the title of King Alfonso XII. The question of formally recognizing, in concert with other Powers, the newly restored Monarchy, is at this moment before my Government, and its decision will not be long delayed. It is my earnest hope that internal peace may be speedily restored to a great, but unfortunate, country.

The exertions of my naval and consular servants in the repression of the East African Slave Trade have not been relaxed, and I confidently trust that they will bring about the complete extinction of a traffic equally repugnant to humanity and injurious to legitimate commerce.

The differences which had arisen between *China* and *Japan*, and which at one time threatened to lead to war between those States, have been happily adjusted. I have learnt with pleasure that the

good offices of my Minister at *Pekin* have been largely instrumental in bringing about this result.

The past year has been one of general prosperity and progress throughout my Colonial Empire.

On the *Gold Coast*, a steady advance has been made in the establishment of civil government, peace has been maintained, and I have procured the assent of the protected tribes to the abolition of slavery. Henceforward, I trust, freedom will exist there as in every part of my dominions.

In *Natal*, I found myself under the necessity of reviewing the sentence which had been passed upon a native chief, and of considering the condition of the tribes and their relations to the European settlers and my Government. I doubt not that I shall have your concurrence in any measures which it may become my duty to adopt for ensuring a wise and humane system of native administration in that part of *South Africa*.

Papers will be laid before you on these several matters.

The King and Chiefs of *Fiji* having made a new offer of their islands unfettered by conditions, I have thought it right to accept the cession of a territory which, independently of its large natural resources, offers important maritime advantages to my fleets in the *Pacific*.

An ample harvest has restored prosperity to the Provinces of my Eastern Empire which, last year, were visited with famine. By the blessing of Providence my Indian Government has been able entirely to avert the loss of life which I had reason to apprehend from that great calamity.

Gentlemen of the House of Commons,

I have directed the Estimates of the year to be prepared and presented to you without delay.

My Lords and Gentlemen,

The condition of the finances is satisfactory. The trade of the country in the past year has somewhat fallen short of that of the year before, but the general prosperity of the people, supported as it has been by an excellent harvest, as well as by the great reductions lately made in taxation, has led to a steady increase in the consumption of all the necessaries of life, and of those articles which contribute to the revenue.

The various statutes of an exceptional or temporary nature now in force for the preservation of peace in *Ireland* will be brought to your notice with a view to determine whether some of them may not be dispensed with.

Several measures which were unavoidably postponed at the end of last Session will be again introduced. Among the most important

are those for simplifying the transfer of land and completing the reconstruction of the Judicature.

Bills will be also laid before you for facilitating the improvement of the dwellings of the working classes in large towns; for the consolidation and amendment of the sanitary laws; and for the prevention of the pollution of rivers.

A measure has been prepared for consolidating and amending the laws relating to friendly societies. Its object will be to assist without unnecessarily interfering with the laudable efforts of my people to make provision for themselves against some of the calamities of life.

A Bill for the amendment of the Merchant Shipping Acts will be laid before you.

Your attention will be moreover directed to legislation for the better security of my subjects from personal violence, and for more effectually providing for the trial of offences by establishing the office of a public prosecutor.

Although the Report of the Commission issued by me to inquire into the state and working of the law as to offences connected with trade has not yet been made to me, I trust that any legislation on this subject which may be found to be expedient may take place in the present Session.

You will also be invited to consider a measure for improving the law as to agricultural tenancies.

I commend to your careful consideration these and other measures which may be submitted to you, and I pray that your deliberations may, under the Divine blessing, result in the happiness and contentment of my people.

SPEECH of the Queen, on the Closing of the British Parliament.—Westminster, August 13, 1875.

My Lords and Gentlemen,

I AM happy to be enabled to release you from your attendance in Parliament.

The relations between myself and all Foreign Powers continue to be cordial, and I look forward with hope and confidence to the uninterrupted maintenance of European peace.

The visit paid to this country, on the invitation of my Government, by the Ruler of *Zanzibar*, has led to the conclusion of a Supplementary Convention, which, I trust, may be efficacious for the more complete suppression of East African Slave Trade.

I have learnt with deep regret that the Expedition despatched

by my Indian Government from *Burmah*, with a view to open communications with the Western Provinces of *China*, has been treacherously attacked by an armed force while on Chinese territory. This outrage, unhappily involving the death of a young and promising member of my Consular service, is the subject of careful inquiry ; and no effort shall be spared to secure the punishment of those by whom it was instigated and committed.

The condition of my Colonial Empire is generally prosperous. Progress has been made in the settlement of questions affecting the Constitution and Government of *Natal* ; and I confidently look for important and valuable results from the proposal for a Conference of the South African Colonies and States.

Gentlemen of the House of Commons,

I thank you for the liberal supplies which you have voted for the Public Service.

My Lords and Gentlemen,

It is gratifying to me to find that the lengthened consideration you have given to the various Statutes which have, from time to time, been passed for the preservation of peace in *Ireland*, has resulted in a measure which, while relaxing the stringency of former enactments, is calculated to maintain the tranquillity of that country.

I have, with pleasure, given my assent to an Act for facilitating the improvement of the dwellings of the working classes in large towns, which will, I trust, lead to the decrease of many of the principal causes of disease, misery, and crime. I feel sure that this legislation, together with that relating to the Consolidation and Amendment of the Sanitary Laws, and of the Laws relating to Friendly Societies, will greatly promote the moral and physical welfare of my people.

It has afforded me much satisfaction to give my assent to two important Statutes for the amendment of the Acts relating to Master and Servant and Trade Offences, and of the Law of Conspiracy as connected with these offences—Statutes which will, I trust, place the relations of employers and employed on a just and equal footing, and add to the contentment and goodwill of large classes of my subjects.

Among the enactments which you have passed for the improvement of the law, I am well pleased to observe that a comprehensive measure for simplifying the title and facilitating the transfer of land in *England* has taken its place in the Statute Book ; that an Act has been passed for the amendment of the Law of Entail in *Scotland* ; and that you have made provision by amending the Judicature Act of 1873, for bringing the great changes in my Civil Courts and

their procedure which it inaugurated, into immediate and practical effect.

The state of public business and the differences of opinion naturally arising on a varied and comprehensive scheme, have unfortunately prevented you from completing the consideration of the Merchant Shipping Bill, but I rejoice that you have been able, by a temporary enactment, to diminish considerably the dangers to which my seafaring subjects are exposed.

By the Agricultural Holdings Act you have greatly and beneficially enlarged the powers of owners, limited in interest, to offer to their tenants a sufficient security for judicious outlay upon the farms they occupy, and, while maintaining absolute freedom of contract, you have raised a presumption of rights, under which a new inducement will be given to expend capital upon the improvement of land.

I have every reason to hope that the progress of the Revenue which has marked recent years will be fully sustained in the present. The arrangements which you have made with respect to the reduction of the National Debt, and those for the better regulation of Loans for Public Works, will lead to valuable improvements in our system of Imperial and Local Finance.

The enactment for a Registration of Trade Marks will supply a deficiency that has for some time been felt in our commercial system.

I trust that the Act constituting a new Bishopric at *St. Albans* may prove advantageous to the vast population of the dioceses affected by the measure.

In bidding you farewell for the recess, I pray that the blessing of Providence may fall on your recent labours, and accompany you in the discharge of all your duties.

POSTAL CONVENTION between Great Britain and Brazil.
—Signed at Rio de Janeiro, August 16, 1875.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the Emperor of Brazil, being desirous to regulate, by means of a new Convention, the communications by post between the United Kingdom and Brazil upon a more liberal and advantageous basis for the inhabitants of the two countries :

The Undersigned, Victor Arthur Wellington Drummond, Esquire, Her Britannic Majesty's Chargé d'Affaires *ad interim*, and Viscount

de Caravellar, a Counsellor of State, Senator of the Empire, &c., furnished with full powers from their respective Sovereigns, after having communicated to each other the said full powers, which were found to be in good and due form, have agreed upon the following Articles:—

ART. I. The total rate of postage to be collected upon a letter posted in the United Kingdom and addressed to Brazil, whether conveyed direct by mail-packet or in a closed mail *viâ* France and by means of a French mail-packet, shall be 9*d.* per half ounce, or fraction of half an ounce, if such postage be prepaid, and 1*s.* per half ounce or fraction of half an ounce, if the postage be not prepaid, and the total rate of postage to be collected upon a letter posted in Brazil and addressed to the United Kingdom, whether conveyed direct by mail-packet or in a closed mail *viâ* France, and by means of a French mail-packet, shall be 370 reis per half ounce, or fraction of half an ounce, if such postage be prepaid, and 500 reis per half ounce, or fraction of half an ounce, if the postage be not prepaid.

Insufficiently prepaid letters shall be considered as unpaid, and charged accordingly, after deducting the value of the postage stamps affixed to them.

II. Packets containing legal and commercial documents, patterns of merchandize, newspapers, stitched or bound books, pamphlets, music, visiting cards, catalogues, prospectuses, announcements, and notices of various kind whether printed, engraved, or lithographed, as well as photographs, shall be transmissible by either office at such charges and under such regulations with respect to non or insufficient payment and other matters as the despatching office may from time to time lay down.

These regulations, however, shall include the following:—

1. No packet may contain anything which is sealed or otherwise closed against inspection, nor must it contain any letter, nor any communication of the nature of a letter, whether separate or otherwise, unless the whole of such letter or communication be printed.

2. No packet must exceed two feet in length, or one foot in width or depth.

The postage of all such packets sent from Brazil in transit through the United Kingdom shall be prepaid.

III. Upon prepaid letters and upon the articles specified in Article II preceding, despatched from Brazil by way of the United Kingdom, addressed to the countries and colonies enumerated in the Table annexed to the present Convention, and upon unpaid letters despatched from those countries and colonies by way of the United Kingdom addressed to Brazil, the Brazilian Post Office shall account to the British Post Office for the rates of postage set forth in that Table.

These rates of postage shall, however, be modified whenever any alteration takes place in the postage charged in the United Kingdom upon correspondence addressed to or received from the countries and colonies enumerated in the Table.

Upon unpaid letters addressed to France, despatched from Brazil by way of the United Kingdom, the British Post Office shall account to the Brazilian Post Office for the sum of 1s. per ounce net weight, and upon unpaid letters addressed to Spain, despatched from Brazil by way of the United Kingdom, the British Post Office shall account to the Brazilian Post Office for the sum of 1s. 8d. per ounce net weight, those being the sums which, by Treaty, the British Post Office will receive from the post offices of France and Spain respectively for the Atlantic Sea conveyance of such letters.

Upon every unpaid letter, despatched from Brazil by way of the United Kingdom, addressed to any other of the countries and colonies enumerated in the annexed table, the British Post Office shall account to the Brazilian Post Office for the sum of 1s. per half ounce, or fraction of half an ounce.

IV. The Brazilian Post Office may deliver to the British Post Office letters or other articles which have been registered addressed to the United Kingdom; reciprocally the British Post Office may deliver to the Brazilian Post Office letters or other articles which have been registered addressed to Brazil.

The postage of all registered articles shall always be paid in advance.

In addition to this postage there shall also be charged a registration fee, the amount of which shall be fixed and retained by the despatching office.

V. The Brazilian Post Office may further deliver to the British Post Office registered letters and other articles addressed to those countries or colonies to which registered letters, &c., can be sent from the United Kingdom.

The Brazilian Post Office shall account to the British Post Office, in addition to the postage due to the British Post Office, for such sum as the British Post Office may fix for the registration from the United Kingdom of every registered letter or other article addressed to the countries or colonies above mentioned.

The Brazilian Post Office shall retain the amount of the fee charged for the registration as far as the United Kingdom.

VI. Subject to the payments referred to in Article III foregoing, and in the following Article VII, each office shall retain the whole amount of postage which it collects, as well on the prepaid letters, &c., which it despatches to the other office, as on the unpaid letters, &c., which it receives from that office.

VII. The British Office shall defray the whole cost of conveying direct by mail-packet the mails from the United Kingdom to Brazil.

It shall also defray the transit and sea rates of postage payable to France on all closed mails forwarded from the United Kingdom to Brazil through France, and by means of French mail-packets.

The Brazilian Post Office shall defray the whole cost of conveying direct by mail-packet the mails from Brazil to the United Kingdom. Upon all mails forwarded from Brazil to the United Kingdom or to intermediate ports by a packet provided under the terms of a contract now subsisting between the British Government and the owners of such packet, the Brazilian Post Office shall repay to the British Post Office the entire amount payable according to the stipulations of that contract by the British Post Office for the conveyance of those mails.

The Brazilian Post Office shall also repay to the British Post Office the transit and sea rates of postage which that office will have to pay to the French Post Office for all closed mails forwarded from Brazil to the United Kingdom through France, and by means of French mail-packets.

Notwithstanding the previous provisions, the Brazilian Post Office shall have the right to contract direct with and to pay to the company for the conveyance of all mails that shall be despatched from Brazilian ports.

VIII. No postage whatever shall be charged by the British Post Office upon the delivery of prepaid letters or other articles originating in Brazil and addressed to the United Kingdom; and in like manner no postage whatever shall be charged by the Brazilian Post Office upon the delivery of prepaid letters or other articles originating in the United Kingdom, or passing in transit through the United Kingdom, and addressed to Brazil.

IX. All letters and other articles which, owing to imperfect addresses or other cause, cannot be delivered shall, without unnecessary delay, be returned to the despatching office without any charge for such re-transmission.

X. The British Post Office shall prepare, at the expiration of every quarter, separate accounts exhibiting the results of the exchange of correspondence between the respective offices.

Such accounts shall be founded upon the acknowledgments of receipt of the respective offices during the quarter.

The separate accounts shall be incorporated in general accounts which shall be compared and settled by the two offices, and the balance shall forthwith be paid in London and in British money, if such balance is in favour of the United Kingdom, and in Rio de Janeiro and in Brazilian money, if such balance is in favour of Brazil.

XI. The Brazilian and British Post Offices shall mutually agree on the regulations for carrying the present Convention into effect, which regulations shall be signed by the respective Postmasters-General, who can modify the same by mutual consent should the regularity or convenience of the service require it.

XII. All the Conventions existing between the United Kingdom of Great Britain and Ireland and Brazil relative to the exchange of correspondence shall cease to have effect from the date of the day when the present Convention shall be put into execution.

XIII. The Brazilian Government, together with the British Government, having resolved, from motives of mutual convenience, that the above stipulated dispositions should be put in execution independent of the usual ratifications, which will be thus dispensed with, the undersigned Plenipotentiaries agree that the present Convention shall commence to be put in force on the 1st of December of the present year, continuing in force until one of the two Contracting Parties shall give notice to the other, one year beforehand, of their intention of bringing it to an end.

Done in duplicate, in the city of Rio de Janeiro, on the 16th day of the month of August, 1875.

(L.S.) VICTOR A. W. DRUMMOND.

(L.S.) VISCONDE DE CARAVELLAR.

TABLE showing the Rates of Postage to be accounted for by the Brazilian Post Office to the British Post Office upon Letters, Newspapers, Book Packets, and Patterns or Samples of Merchandize conveyed *via* the United Kingdom in ordinary Mails between Brazil and the undermentioned Countries and Colonies.

This Table, amended in conformity with the provisions of the Postal Union Treaty, was forwarded by the Post Office to the Foreign Office on the 6th September, 1875, with a request that it might be substituted for the Table appended to the Convention.

| Countries and Colonies. | Paid Correspondence delivered by the Brazilian Post Office to the British Post Office. | | | | | | Unpaid Correspondence delivered by the British Post Office to the Brazilian Post Office. | | | |
|---|--|------------------------------------|---------------------|----------------|----------------|------------------------|--|----|----|----|
| | Rate for a Book Packet or Packet of Patterns. | | | | | | Rate for a single Letter. | | | |
| | Rate for a single Letter. | Rate per 4 oz. for each newspaper. | Not exceeding 1 oz. | 1 oz. to 2 oz. | 2 oz. to 4 oz. | Every additional 4 oz. | s. | d. | s. | d. |
| (a) Austria | d. 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) Belgium | d. 0 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| Bermuda | d. 0 6 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| Canada, New Brunswick, Newfoundland, Nova Scotia, Prince Edward Island | d. 0 3 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 6 |
| (a) Canary Islands | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| Cape de Verd Islands | d. 0 6 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| Cape of Good Hope, Natal, St. Helena | d. 0 1 0 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 8 |
| Ceylon | d. 0 9 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 0 |
| (a) Constantinople | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 9 |
| (a) Dardanelles, Rhodes, Samsoun, Trebizond | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) Denmark | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) East Indies | d. 0 9 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) Egypt | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 9 |
| Falkland Islands, Gambia, Gold Coast, Lagos, Liberia, Sierra Leone | d. 0 6 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 6 |
| * France and * Algeria | d. 0 3 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 6 |
| (a) Galatz | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 6 |
| (a) Germany | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) Gibraltar | d. 0 1 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |
| (a) Greece and the Ionian Islands | d. 0 5 1/2 | + | + | 1 | 2 | d. 1 | 1 | 4 | 1 | 4 |

| | | | | | | | | | | | | | | | | |
|--|-----|-----|-----|-----|---|---|---|---|---|---|---|---|-----|---|---|---|
| (a) Holland | ... | ... | ... | ... | 0 | 1 | + | + | + | 1 | 1 | 2 | ... | 1 | 4 | 1 |
| \$ Hong Kong and \$ Labuan | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 4 | ... | 1 | 4 | 1 |
| (a) Italy | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 4 | ... | 2 | 0 | 2 |
| (a) Java | ... | ... | ... | ... | + | 0 | + | + | + | 2 | 2 | 6 | ... | 4 | 7 | 1 |
| (a) Gallipoli, Mytilene, Salonica, Larnaca, Scutari, Seres, Tchesme, Tenedos, Tultscha, Varna .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 0 | 2 |
| (a) Madeira, Malta .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Mauritius .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Norway .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| \$ Penang and \$ Singapore | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 2 | ... | 2 | 0 | 2 |
| * Réunion .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Roumania .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Rounania .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Russia and Poland | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Smyrna .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Spain .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Surinam, Curaçoa .. | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Sweden .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| (a) Switzerland | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Tunis .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| United States of America | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| West Indies (British Possessions) | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Ascension .. | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| \$ Australia (South and West), \$ New South Wales, \$ New Zealand, | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| \$ Queensland, \$ Tasmania, \$ Victoria | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Bolivia, Chili, Ecuador, Peru... | ... | ... | ... | ... | + | 1 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| \$ Borneo, \$ Sumatra, \$ Malacca, \$ Philippine Islands | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| \$ China (except Hong Kong), \$ Japan | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Costa Rica, Cuba, Greytown, Guatemala, Hayti, Mexico, Venezuela | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Fernando Po .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| Ste. Croix, St. Thomas .. | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| United States of Colombia | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |
| West Indies (Foreign Possessions), except the places named | ... | ... | ... | ... | + | 0 | + | + | + | 1 | 1 | 2 | ... | 2 | 4 | 1 |

Letters may be sent unpaid to those Countries the names of which are *not* in Italics; and Letters, Newspapers, Book Packets, and Patterns may be registered in those cases where a mark thus † is prefixed to the rates of Postage. The charge for registration to the places marked thus * is a sum exactly equal to the postage, whatever that may be; and to all other places 4*l*. for each Letter, &c.

An additional postage of *3d.* per rate for Letters, *2d.* per rate for Newspapers, and *3d.* per 4 ozs. for Book Packets and Patterns must be accounted for when addressed to be sent from England *vid* Brindisi to the places marked thus *§*.

The weight of a single book packet or packet of newspapers is limited to 2 lbs. in the cases marked thus (a), and no packet of patterns for these countries must exceed 8 ozs.

DETAILED REGULATIONS arranged between the General Post Office of the United Kingdom of Great Britain and Ireland and the General Post Office of Brazil for the execution of the Convention of the 16th August, 1875.—Signed in*
London, October 7,
Rio de Janeiro, November 20, 1875.

ART. I. The following shall be the regulations for the exchange of mails between the British and the Brazilian Post Offices:—

1. The office of London shall exchange mails with the offices of Rio de Janeiro, Bahia, Pernambuco, and Rio Grande do Sul, as well by means of the direct mail-packets sailing from Southampton or Liverpool as by way of France and by means of the French mail-packets.

2. The office of Southampton shall exchange mails with the offices of Rio de Janeiro, Bahia, Pernambuco, and Rio Grande do Sul, by means of the mail-packet sailing from Southampton.

3. The office of Liverpool shall exchange mails with the offices of Rio de Janeiro, Bahia, Pernambuco, and Rio Grande do Sul, by means of the mail-packets sailing from Liverpool.

II. The exchange of registered letters and other postal packets between the Post Offices of the United Kingdom and the Post Offices of Brazil shall be regulated as follows:—

The letters, &c., shall be entered with all the necessary details on special lists according to the Form B annexed to the present Regulations.

The registered letters, &c., and the nominal list shall be then tied together with a cross string and placed in a canvas bag of an orange colour, which shall be securely tied at the neck by a string, the ends of which shall be sealed with the seal of the despatching office.

The registered letters thus made up shall be placed in the mail of which they form part.

The number of registered letters, &c., entered on the special lists must be specified at full length, in words, in the place reserved for the purpose at the foot of the letter bill.

If it should happen that there are no registered letters to be forwarded, a blank list shall be sent inclosed as usual, in the orange-coloured canvas bag.

The special lists shall be retained by the office to which they are sent, which shall simply acknowledge the receipt numerically of the registered letters received by it on the next list which it shall have to send to the corresponding office.

In case of any difference or error being discovered on the open-

ing of the mails, the attention of the despatching office shall be called to the circumstance by the first post.

III. The Brazilian Post Office may deliver to the British Post Office registered letters or other articles addressed to the undermentioned countries or colonies, viz. :—

Austria, Belgium, Bermuda, Canada, Canary Islands, Cape of Good Hope, Ceylon, Constantinople, Denmark, East Indies, Egypt, Falkland Islands, Galatz, Gambia, Germany, Gibraltar, Gold Coast, Greece and Ionian Islands, Holland, Hong Kong, Italy, Lagos, Labuan, Larnaca, Liberia, Madeira, Malta, Mauritius, Moldavia, Natal, New Brunswick, Newfoundland, New South Wales, New Zealand, Norway, Nova Scotia, Penang, Prince Edward Island, Queensland, Russia and Poland, St. Helena, Salonica, Seres, Sierra Leone, Singapore, Smyrna, South Australia, Spain, Sweden, Switzerland, Tasmania, Tchesme, Tenedos, Trebizond, Tultscha, Tunis, Varna, United States of America, Victoria, Wallachia, Western Australia, West Indies (British).

And letters (but letters only) to the undermentioned countries, viz. :—

Cape de Verd Islands, Curaçoa, Dardanelles, France and Algeria, Java, Réunion, Rhodes, Samsoun, Scutari, Surinam.

IV. Upon registered letters forwarded from Brazil in transit through the United Kingdom, the Brazilian Post Office shall account to the British Post Office, in addition to the amount of postage set down in the Table annexed to the Convention, for the following sums, viz. :—

For every registered letter addressed to France or Algeria, the Dardanelles, Rhodes, Samsoun, Trebizond, or Réunion, a sum exactly equal to the postage, whatever that may be.

And for every registered letter addressed to any other of the countries or colonies enumerated in the foregoing Article III the sum of 4*d.*

V. The respective offices shall mutually account to each other for the amount of postage due to each on the correspondence exchanged between them.

On every prepaid transit letter sent from the Brazilian Post Office to the British Post Office the amount of postage due to the latter shall be distinctly marked in red ink in the right hand upper corner, and on every unpaid transit letter the amount due to the Brazilian Post Office shall be distinctly marked in black ink in the left hand upper corner.

VI. Every mail passing between the offices of exchange of the respective Post Offices shall be accompanied by a letter bill specifying the amount of postage due to each office on each class of correspondence.

The office to which the mail is addressed shall acknowledge its receipt by the next post.

The letter bills from the offices of London, Southampton, and Liverpool for the offices of Rio de Janeiro, Bahia, Pernambuco, and Rio Grande do Sul shall be in conformity with the Form C annexed to the present Regulations.

The forms of letter bill which the Brazilian offices of exchange shall use in their communications with London, Southampton, and Liverpool, shall agree with the patterns above described.

VII. The respective offices of exchange shall divide the correspondence which they shall mutually exchange into as many distinct packets as there are different classes of correspondence.

To each packet shall be attached a label showing the nature of the correspondence covered by the label.

The labels which the respective offices of exchange shall make use of shall be printed as follows:—

1. On pink paper for paid correspondence.
2. On yellow paper for insufficiently paid correspondence.
3. On white paper for unpaid correspondence.
4. And on blue paper for mis-sent and re-directed correspondence.

VIII. If it should happen at the usual period for making up the mails that there be not any letter or other correspondence from either of the offices of exchange, a mail, in which there shall be a blank letter bill, shall nevertheless be forwarded to the corresponding office.

IX. Dead letters, newspapers, &c., which cannot be delivered, from whatever cause, shall be mutually returned after the expiration of every month.

Such of those letters, &c., as shall have been charged in the account shall be returned for the same amount of postage which was originally charged by the sending office, and shall be allowed in the discharge of the account of the office to which they were transmitted.

X. Letters forwarded for the purpose of annoying or injuring the person to whom they are addressed, the postage of which both offices are authorized to return to the public, even after they have been opened, may be included and admitted with the dead letters mutually returned.

XI. Ordinary or registered letters or other articles misdirected or mis-sent shall be reciprocally returned without delay through the respective offices of exchange for the same weight and amount of postage at which they were charged by the despatching office to the other office.

The articles of a like nature addressed to persons who have

changed their residence shall be mutually forwarded or returned, charged with the rate that would have been paid by the receivers.

Done, in duplicate, and signed in London on the 7th day of October, 1875, and in Rio de Janeiro on the 20th day of November, 1875.

(L.S.) JOHN MANNERS.

(L.S.) LUIZ PLINIO D'OLIVEIRA.

B.—REGISTERED LETTER LIST FOR BRAZIL.

Date
Stamp.

Particulars of registered letters, &c., forwarded from the Post Office
_____ to the Post Office _____ by the mail of
_____, 187____.

| Number. | Origin. | To whom addressed. | Destination. |
|---------|---------|--------------------|--------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |

Signature of Receiving Officer.

Signature of Despatching Officer.

Acknowledgment of the receipt of Registered Letters contained in the Mail from Brazil.

The* _____ registered letters despatched from the Post Office
_____ to the Post Office _____ by the mail
of the _____, 187____, have been duly received.

Signed _____,
Post Office, _____,
_____, 187____.

* Here state in writing the number of letters.

C.—LETTER BILL.

For the Correspondence between the United Kingdom and Brazil.

Mail for _____,
Post Office _____,
_____, 187__.

The following articles are sent herewith, the receipt of which it is requested
may be acknowledged, viz. :

| | Statement by the British Office. | | | Statement by the Brazilian Office. | | |
|---|--|----|----|--|----|----|
| | £ | s. | d. | £ | s. | d. |
| TABLE 1.— <i>Unpaid Correspondence to the Credit of the British Office.</i> | | | | | | |
| 1. Unpaid letters from countries in transit through the United Kingdom | | | | | | |
| 2. Unpaid newspapers from countries in transit through the United Kingdom .. | | | | | | |
| 3. Unpaid book packets and packets of patterns from countries in transit through the United Kingdom | | | | | | |
| 4. Mis-sent and redirected letters | | | | | | |

TABLE 2.—*Closed Mails from Countries in Transit through the United
Kingdom.*

| Place of Origin. | Place of Destination. | Number of Mails. | |
|------------------|-----------------------|--|--|
| | | Statement by the British Office. | Statement by the Brazilian Office. |
| | | | |

_____ registered letters are sent in this mail the particulars of which are
entered on a separate list.

Despatching Officer.

ACKNOWLEDGMENT OF RECEIPT.

For the Correspondence between Brazil and the United Kingdom.

Post Office _____,
_____, 187 ____.The mail from _____ to _____ by the packet _____
has been received, containing the following articles, viz. :

| | Statement by the Brazilian Office. | | | Statement by the British Office. | | |
|--|--|-----|----|--|-----|----|
| | lbs. | oz. | | lbs. | oz. | |
| TABLE 1.— <i>Unpaid letters to the Credit of the Brazilian Office.</i> | | | | | | |
| 1. Unpaid letters for France in transit through the United Kingdom at 1s. per ounce .. | | | | | | |
| 2. Unpaid letters for other countries in transit through the United Kingdom at 1s. per half ounce each | £ | s. | d. | £ | s. | d. |
| 3. Mis-sent and re-directed letters | | | | | | |
| TABLE 2.— <i>Paid Letters, &c., to the Credit of the British Office.</i> | | | | | | |
| 4. Paid letters for countries in transit through the United Kingdom.. .. . | | | | | | |
| 5. Paid newspapers for countries in transit through the United Kingdom | | | | | | |
| 6. Paid book packets and packets of patterns for countries in transit through the United Kingdom | | | | | | |
| 7. Fees on registered letters, &c., for countries in transit through the United Kingdom .. | | | | | | |

TABLE 3.—*Closed Mails for Countries in Transit through the United Kingdom.*

| Place of Origin. | Place of Destination. | Number of Mails. | |
|------------------|-----------------------|--|--|
| | | Statement by the Brazilian Office. | Statement by the British Office. |
| | | | |

_____ registered letters were received in this mail.

Receiving Officer.

POSTAL AGREEMENT between Great Britain and the United States of Colombia.—Signed at Bogotá, September 11, 1875.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the United States of Colombia, being desirous to conclude a new Agreement regulating the mail-packet service between the two countries, the Undersigned, viz., on the part of the Citizen President of the Colombian Union, Señor Dr. Don Francisco de Paula Rueda, Secretary of the Interior and Foreign Affairs of the United States of Colombia; and on the part of the Right Honourable Her Britannic Majesty's Postmaster-General, Robert Bunch, Esq., Her Britannic Majesty's Minister Resident to the United States of Colombia; who, being furnished with full powers, which they have communicated to each other and found to be in good and due form, have agreed upon the following Articles:—

ART. I. There shall be a periodical and regular communication between the United Kingdom of Great Britain and Ireland and the United States of Colombia for transmitting letters, newspapers, book packets, and patterns of merchandize from one country to the other.

II. The conveyance by sea of the mails containing the letters, newspapers, book packets, and patterns of merchandize mentioned in the preceding Article, shall, so long as the British Government deem it expedient to maintain the communication, take place by means of steam-packets under contract with that Government at least once in every month.

III. If the Government of the United States of Colombia should hereafter desire to co-operate in the mail service, and to establish and maintain steam-packets of its own, or subsidized by it, for the conveyance of mails by sea between the two countries, it shall be at liberty so to do.

IV. The packet shall be at liberty to embark or to disembark in the ports of the two countries any passengers, of whatever country they may be, with their baggage and effects for their own personal use, on condition that such passengers shall be provided with such passports in due form as may be required, and that the commanders of the packets shall submit to the sanitary and police regulations of the said ports.

V. The Consular Agents of Her Britannic Majesty at the ports of Santa Martha, Carthagena, Colon, Savanilla, or at any other ports of the United States of Colombia, at which the mail-packet may

* Signed also in the Spanish language.

touch, or the special agents appointed by the British Post Office, shall be the channels through which the respective post offices shall receive and deliver the mails.

Accordingly, as soon as the commanders of the said packets shall have delivered the mails in their charge to such Consular or other Agents, the latter having taken out the official despatches of the British Government, shall forward such mails to the Colombian Post Office, which shall give a receipt for the same in due form.

The said Agents shall be permitted to receive from the public, letters, newspapers, book packets, and patterns of merchandize, intended to be conveyed from the ports of the United States of Colombia by the British mail-packets, either to the United Kingdom or to intermediate ports; and in cases where the prepayment of the British postage chargeable for the sea conveyance of such correspondence is desired or necessary, shall be at liberty to collect such postage on behalf of the Post Office of the United Kingdom.

The correspondence so received, together with any correspondence delivered to the agents by the Colombian Post Office, shall be made up into mails, and shall be handed over by the agents direct to the commanders of the packets.

VI. The present Agreement shall come into operation from the day of its promulgation in the official newspaper of Colombia in evidence of its approval and the exchange of ratifications, and shall continue in force until one of the parties shall have announced to the other, one year in advance, his intention to terminate it.

In witness whereof the respective parties have signed the present Agreement, and have affixed hereto their respective seals.

Done in duplicate in the city of Bogotá, on the 11th day of September, 1875.

(L.S.) ROBERT BUNCH.

(L.S.) FRANCISCO DE P. RUEDA.

INTERNATIONAL TELEGRAPH CONVENTION between Austria-Hungary, Belgium, Denmark, France, Germany, Greece, Italy, Netherlands, Persia, Portugal, Russia, Spain, Sweden and Norway, Switzerland, and Turkey.—Signed at St. Petersburg, July $\frac{1}{2}$, 1875.

SA Majesté l'Empereur d'Allemagne, Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., Roi Apostolique de Hongrie, Sa Majesté le Roi des Belges, Sa Majesté le Roi de Danemark, Sa Majesté le Roi d'Espagne, Son Excellence Monsieur le Président de la République Française, Sa Majesté le Roi des Hellènes, Sa

Majesté le Roi d'Italie, Sa Majesté le Roi des Pays-Bas, Sa Majesté le Shah de Perse, Sa Majesté le Roi de Portugal et des Algarves, Sa Majesté l'Empereur de Toutes les Russies, Sa Majesté le Roi de Suède et de Norvège, Son Excellence Monsieur le Président de la Confédération Suisse, et Sa Majesté l'Empereur des Ottomans, animés du désir de garantir et de faciliter le service de la télégraphie internationale, ont résolu, conformément à l'Article LVI de la Convention Télégraphique Internationale signée à Paris le $\frac{5}{17}$ Mai, 1865,* d'introduire dans cette Convention les modifications et améliorations suggérées par l'expérience.

A cet effet ils ont nommé pour leurs Plénipotentiaires, savoir :—

Sa Majesté l'Empereur d'Allemagne, M. le Prince Henri VII Reuss, son Lieutenant-Général et Général Aide-de-Camp, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., Roi Apostolique de Hongrie, M. le Baron Ferdinand de Langenau, son Conseiller intime, son Ambassadeur Extraordinaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi des Belges, M. le Comte Errembault de Dudzele, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi de Danemark, M. Emil de Vind, son Chambellan et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi d'Espagne, M. Manuel de Acuña et Dewitte, Marquis de Bedmar, Grand d'Espagne, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Son Excellence Monsieur le Président de la République Française, M. le Général Le Flo, Ambassadeur de France près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi des Hellènes, M. Marcoran, son Chargé d'Affaires à St. Pétersbourg ;

Sa Majesté le Roi d'Italie, M. le Comte Raphaël Barbolani, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi des Pays-Bas, M. Frédéric van der Hoeven, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Shah de Perse, Mirza Abdulrahim Khan Saedul Mulk, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté le Roi de Portugal et des Algarves, M. le Vicomte

Frédéric Stuart de Figanière e Morao, Gentilhomme de sa Maison et son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Sa Majesté l'Empereur de Toutes les Russies, M. le Baron Alexandre Jomini, son Conseiller Privé Actuel, dirigeant le Ministère des Affaires Etrangères ;

Sa Majesté le Roi de Suède et de Norvège, M. Georges Due, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Son Excellence Monsieur le Président de la Confédération Suisse, M. le Colonel Fédéral Bernard Hammer, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse près Sa Majesté l'Empereur d'Allemagne ;

Sa Majesté l'Empereur des Ottomans, Kiamil Pacha, son Ambassadeur Extraordinaire et Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I. Les Hautes Parties Contractantes reconnaissent à toutes personnes le droit de correspondre au moyen des télégraphes internationaux.

II. Elles s'engagent à prendre toutes les dispositions nécessaires pour assurer le secret des correspondances et leur bonne expédition.

III. Toutefois elles déclarent n'accepter, à raison du service de la télégraphie internationale, aucune responsabilité.

IV. Chaque Gouvernement s'engage à affecter au service télégraphique international des fils spéciaux, en nombre suffisant pour assurer une rapide transmission des télégrammes.

Ces fils seront établis et desservis dans les meilleures conditions que la pratique du service aura fait connaître.

V. Les télégrammes sont classés en 3 catégories :—

1. Télégrammes d'État : ceux qui émanent du Chef de l'État, des Ministres, des Commandants en chef des forces de terre et de mer et des Agents Diplomatiques ou Consulaires des Gouvernements Contractants, ainsi que les réponses à ces mêmes télégrammes.

2. Télégrammes de service : ceux qui émanent des Administrations télégraphiques des États Contractants et qui sont relatifs, soit au service de la télégraphie internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations.

3. Télégrammes privés.

Dans la transmission, les télégrammes d'État jouissent de la priorité sur les autres télégrammes.

VI. Les télégrammes d'État et de service peuvent être émis en langage secret, dans toutes les relations.

Les télégrammes privés peuvent être échangés en langage secret entre deux États qui admettent ce mode de correspondance.

Les États qui n'admettent pas les télégrammes privés en langage secret, au départ et à l'arrivée, doivent les laisser circuler en transit, sauf le cas de suspension défini à Article VIII.

VII. Les Hautes Parties Contractantes se réservent la faculté d'arrêter la transmission de tout télégramme privé qui paraîtrait dangereux pour la sécurité de l'État ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes mœurs.

VIII. Chaque Gouvernement se réserve aussi la faculté de suspendre le service de la télégraphie internationale pour un temps indéterminé, s'il le juge nécessaire, soit d'une manière générale, soit seulement sur certaines lignes et pour certaines natures de correspondances, à charge par lui d'en aviser immédiatement chacun des autres Gouvernements Contractants.

IX. Les Hautes Parties Contractantes s'engagent à faire jouir tout expéditeur des différentes combinaisons arrêtées de concert par les Administrations Télégraphiques des États Contractants, en vue de donner plus de garanties et de facilités à la transmission et à la remise des correspondances.

Elles s'engagent également à le mettre à même de profiter des dispositions prises et notifiées par l'un quelconque des autres États, pour l'emploi de moyens spéciaux de transmission ou de remise.

X. Les Hautes Parties Contractantes déclarent adopter, pour la formation des tarifs internationaux, les bases ci-après :

La taxe applicable à toutes les correspondances échangées, par la même voie, entre les bureaux de deux quelconques des États Contractants, sera uniforme. Un même État pourra toutefois, en Europe, être subdivisé, pour l'application de la taxe uniforme, en deux grandes divisions territoriales au plus.

Le taux de la taxe est établi d'État à État, de concert entre les Gouvernements extrêmes et les Gouvernements intermédiaires.

Les taxes des tarifs applicables aux correspondances échangées entre les États Contractants pourront, à toute époque, être modifiées d'un commun accord.

Le franc est l'unité monétaire qui sert à la composition des tarifs internationaux.

XI. Les télégrammes relatifs au service des télégraphes internationaux des États Contractants sont transmis en franchise sur tout le réseau des dits États.

XII. Les Hautes Parties Contractantes se doivent réciproquement compte des taxes perçues par chacune d'elles.

XIII. Les dispositions de la présente Convention sont complétées par un règlement, dont les prescriptions peuvent être, à toute époque,

modifiées d'un commun accord par les Administrations des États Contractants.

XIV. Un organe central, placé sous la haute autorité de l'Administration supérieure de l'un des Gouvernements Contractants désigné, à cet effet, par le règlement, est chargé de réunir, de coordonner et de publier les renseignements de toute nature relatifs à la télégraphie internationale, d'instruire les demandes de modification aux tarifs et au règlement de service, de faire promulguer les changements adoptés et, en général, de procéder à toutes les études et d'exécuter tous les travaux dont il serait saisi dans l'intérêt de la télégraphie internationale.

Les frais auxquels donne lieu cette institution sont supportés par toutes les Administrations des États Contractants.

XV. Le tarif et le règlement prévus par les Articles X et XIII sont annexés à la présente Convention. Ils ont la même valeur et entrent en vigueur en même temps qu'elle.

Ils seront soumis à des révisions où tous les États qui y ont pris part pourront se faire représenter.

A cet effet, des Conférences administratives auront lieu périodiquement, chaque Conférence fixant elle-même le lieu et l'époque de la réunion suivante.

XVI. Ces Conférences sont composées des délégués représentant les Administrations des États Contractants.

Dans les délibérations, chaque Administration a droit à une voix, sous réserve, s'il s'agit d'Administrations différentes d'un même Gouvernement, que la demande en ait été faite par voie diplomatique au Gouvernement du pays où doit se réunir la Conférence, avant la date fixée pour son ouverture, et que chacune d'entre elles ait une représentation spéciale et distincte.

Les révisions résultant des délibérations des Conférences ne sont exécutoires qu'après avoir reçu l'approbation de tous les Gouvernements des États Contractants.

XVII. Les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers de toute nature sur les points du service qui n'intéressent pas la généralité des États.

XVIII. Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique à celui des États Contractants au sein duquel la dernière Conférence aura été tenue, et par cet État à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

XIX. Les relations télégraphiques avec des États non adhérents ou avec les exploitations privées sont réglées dans l'intérêt général

du développement progressif des communications, par le règlement prévu à l'Article XIII de la présente Convention.

XX. La présente Convention sera mise à exécution à partir du 1^{er} Janvier, 1876, nouveau style, et demeurera en vigueur pendant un temps indéterminé et jusqu'à l'expiration d'une année à partir du jour où la dénonciation en sera faite.

La dénonciation ne produit son effet qu'à l'égard de l'État qui l'a faite. Pour les autres Parties Contractantes, la Convention reste en vigueur.

XXI et dernier. La présente Convention sera ratifiée, et les ratifications en seront échangées à St. Pétersbourg dans le plus bref délai possible.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, le ¹⁰/₂₂ Juillet, 1875.

(L.S.) H. VII PR. REUSS.

(L.S.) LANGENAU.

(L.S.) ERREMBAUT DE DUDZEELE.

(L.S.) E. DE VIND.

(L.S.) LE MARQUIS DE BEDMAR.

(L.S.) GÉNÉRAL LE FLO.

(L.S.) SPYRIDION MARCORAN.

(L.S.) BARBOLANI.

(L.S.) F. P. VAN DER HOEVEN.

(L.S.) ABDULRAHIM.

(L.S.) FIGANIÈRE.

(L.S.) BARON JOMINI.

(L.S.) DUE.

(L.S.) HAMMER, *Colonel Fédéral.*

(L.S.) KIAMIL.

RÈGLEMENT de Service Internationale annexé à la Convention Télégraphique.

[Les passages en italiques indiquent les modifications qui ont été apportées au projet présenté par le Bureau international.]

Article XIII de la Convention.

LES dispositions de la présente Convention sont complétées par un règlement, dont les prescriptions peuvent être, à toute époque, modifiées d'un commun accord par les Administrations des États Contractants.

1. Réseau International.

Article IV de la Convention.

Chaque Gouvernement s'engage à affecter au service télégraphique

international des fils spéciaux, en nombre suffisant pour assurer une rapide transmission des télégrammes.

Ces fils seront établis et desservis dans les meilleures conditions que la pratique du service aura fait connaître.

I.

1. Les villes entre lesquelles l'échange des correspondances est continu ou très-actif sont, autant que possible, reliées par des fils directs, d'un diamètre d'au moins 5 millimètres et dont le service, dégagé du travail des bureaux intermédiaires, n'est affecté, dans la règle, qu'aux relations entre les deux villes désignées comme leurs points extrêmes.

2. Ces fils peuvent être détournés de cette affectation spéciale en cas de dérangement des lignes ; mais ils doivent y être ramenés dès que le dérangement a cessé.

3. Les Administrations Télégraphiques indiquent, sur chaque fil, un ou plusieurs bureaux intermédiaires obligés de prendre les correspondances en passage, si la transmission directe entre les deux bureaux extrêmes est impossible.

II.

1. Les Administrations concourent, dans les limites de leur action respective, à la sauvegarde des fils internationaux et des câbles sous-marins ; elles combinent, pour chacun d'eux, les dispositions qui permettent d'en tirer le meilleur parti.

2. Les chefs de service des circonscriptions voisines des frontières s'entendent directement pour assurer, en ce qui les concerne, l'exécution de ces mesures.

III.

Les appareils Morse et Hughes restent concurremment adoptés pour le service des fils internationaux, jusqu'à une nouvelle entente sur l'introduction d'autres appareils.

IV.

1. Entre les villes importantes des États Contractants le service est, autant que possible, permanent, le jour et la nuit, sans aucune interruption.

2. Les bureaux ordinaires, à service de jour complet, sont ouverts au public, *au moins*, de 8 heures du matin à 9 heures du soir.

3. Les heures d'ouverture des bureaux à service limité sont fixées par les Administrations respectives des États Contractants. *Chaque État peut appliquer, le dimanche, aux bureaux à service complet les heures du service limité ; il notifie cette mesure au Bureau International, qui en avertit les autres États.*

4. Les bureaux dont le service n'est point permanent ne peuvent prendre clôture avant d'avoir transmis tous leurs télégrammes internationaux à un bureau permanent.

5. Entre deux bureaux d'États différents communiquant par un fil direct, la clôture est donnée par celui qui appartient à l'État dont la capitale a la position la plus occidentale.

6. Cette règle s'applique à la clôture des procès-verbaux et à la division des séances dans les bureaux à service permanent.

7. Le même temps est adopté par tous les bureaux d'un même État. C'est généralement le temps moyen de la capitale de cet État.

V.

Les notations suivantes sont adoptées dans les tarifs internationaux pour désigner les bureaux télégraphiques :—

N bureau à service permanent (de jour et de nuit).

$\frac{N}{2}$ bureau à service de jour prolongé jusqu'à minuit ;

C bureau à service de jour complet ;

L bureau à service limité (c'est-à-dire ouvert pendant un nombre d'heures moindre que les bureaux à service de jour complet) ;

B bureau ouvert seulement pendant la saison des bains ;

H bureau ouvert seulement pendant la saison d'hiver ;

Ces notations peuvent se combiner avec les précédentes.

L bureau ouvert avec service complet dans la saison des bains et
BC limité pendant le reste de l'année ;

L bureau ouvert avec service complet pendant l'hiver et limité
HC pendant le reste de l'année ;

E bureau ouvert seulement pendant le séjour de la Cour ;

F station de chemin de fer ouverte à la correspondance des particuliers ;

P bureau appartenant à une compagnie privée ;

S bureau sémaphorique ;

* bureau à ouvrir prochainement.

2. Dispositions Générales relatives à la Correspondance.

Article I de la Convention.

Les Hautes Parties Contractantes reconnaissent à toutes personnes le droit de correspondre au moyen des télégraphes internationaux.

Article II de la Convention.

Elles s'engagent à prendre toutes les dispositions nécessaires pour assurer le secret des correspondances et leur bonne expédition.

Article III de la Convention.

Toutefois elles déclarent n'accepter, à raison du service de la télégraphie internationale, aucune responsabilité

Article V de la Convention.

Les télégrammes sont classés en 3 catégories :—

1. Télégrammes d'État : ceux qui émanent du Chef de l'État, des Ministres, des Commandants en Chef des forces de terre ou de mer, et des Agents Diplomatiques ou Consulaires des Gouvernements Contractants, ainsi que les réponses à ces mêmes télégrammes.

2. Télégrammes de service : ceux qui émanent des Administrations Télégraphiques des États Contractants et qui sont relatifs, soit au service de la télégraphie internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations.

3. Télégrammes privés.

Dans la transmission, les télégrammes d'État jouissent de la priorité sur les autres télégrammes.

Article VII de la Convention.

Les Hautes Parties Contractantes se réservent la faculté d'arrêter la transmission de tout télégramme privé qui paraîtrait dangereux pour la sécurité de l'État ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes mœurs.

Article VIII de la Convention.

Chaque Gouvernement se réserve aussi la faculté de suspendre le service de la télégraphie internationale pour un temps indéterminé, s'il le juge nécessaire, soit d'une manière générale, soit seulement sur certaines lignes et pour certaines natures de correspondances, à charge par lui d'en aviser immédiatement chacun des autres Gouvernements Contractants.

3. *Rédaction et Dépôt des Télégrammes.*

Article VI de la Convention.

Les télégrammes d'État et de service peuvent être émis en langage secret, dans toutes les relations.

Les télégrammes privés peuvent être échangés en langage secret entre deux États qui admettent ce mode de correspondance.

Les États qui n'admettent par les télégrammes privés en langage secret, au départ et à l'arrivée, doivent les laisser circuler en transit, sauf le cas de suspension défini à l'Article VIII.

VI.

1. Les télégrammes en langage clair doivent offrir un sens compréhensible en l'une quelconque des langues usitées sur les territoires des États Contractants, ou en langue Latine.

2. Chaque Administration désigne, parmi les langues usitées sur les territoires de l'État auquel elle appartient, celles qu'elle considère comme propres à la correspondance télégraphique internationale.

3. Les télégrammes de service sont rédigés en Français *lorsque les Administrations en cause ne se sont pas entendues pour l'usage d'une autre langue.*

4. Cette disposition est applicable aux indications du préambule, aux avis de service ou d'office qui accompagnent la transmission des correspondances.

VII.

1. Sont considérés comme télégrammes en langage secret :

a. Ceux qui contiennent un texte chiffré ou en lettres secrètes ;

b. Ceux qui renferment des séries ou des groupes de chiffres ou de lettres, dont la signification ne serait pas connue du bureau d'origine ;

c. Les télégrammes contenant des passages en langage convenu incompréhensibles pour les Offices en correspondance, ou des mots ne faisant point partie des langues mentionnées au premier paragraphe de l'Article VI.

2. Le texte des télégrammes privés *secrets* peut être soit entièrement *secret*, soit en partie *secret* et en partie clair. Dans ce dernier cas, les passages *secrets* doivent être placés entre deux parenthèses, les séparant du texte ordinaire qui précède ou qui suit. Le texte chiffré doit être composé exclusivement de lettres de l'alphabet ou exclusivement de chiffres Arabes.

3. *Les Offices extra-Européens sont autorisés à ne pas admettre sur leurs lignes les télégrammes privés contenant des lettres secrètes.*

VIII.

1. La minute du télégramme doit être écrite lisiblement, en caractères qui aient leur équivalent dans le tableau réglementaire des signaux télégraphiques (Article IX) et qui soient en usage dans le pays où le télégramme est présenté.

2. Le texte doit être précédé de l'adresse, *qui peut être écrite sous une forme convenue ou abrégée. Toutefois, la faculté pour un destinataire de se faire remettre à domicile un télégramme dont l'adresse est ainsi composée, est subordonnée à un arrangement entre ce destinataire et le bureau télégraphique.*

3. *La signature peut revêtir la même forme ou être omise ; quand elle figure dans les mots à transmettre, elle doit être placée après le texte. Si elle n'est pas transmise, le dernier mot du texte la remplace pour signaler les télégrammes dans les communications de service qui s'y rapportent.*

4. L'expéditeur doit écrire sur la minute immédiatement *avant* l'adresse, les indications éventuelles relatives à la remise à domicile, à la réponse payée, à l'accusé de réception, aux télégrammes *urgents*,

collationnés, *recommandés* ou à faire suivre, &c. Ces indications peuvent être écrites sous la forme abrégée adoptée pour les indications de service entre les bureaux. Dans ce cas, elles ne sont comptées chacune que pour un mot.

5. Lorsqu'elles sont exprimées en langage ordinaire, elles doivent être écrites en Français ou dans la langue du pays de destination. Si cette langue n'est pas comprise du bureau d'origine, l'expéditeur est tenu de joindre la traduction pour la gouverne de ce bureau.

6. Toute interligne, renvoi, rature ou surcharge doit être approuvé de l'expéditeur du télégramme ou de son représentant.

IX.

Les caractères disponibles pour la rédaction des télégrammes sont les suivants :

Lettres :

A, B, C, D, E, É, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U,
V, W, X, Y, Z.

Chiffres :

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

Signes de ponctuation et autres :

Point (.), virgule (,), point et virgule (;), deux points (:), point d'interrogation (?), point d'exclamation (!), apostrophe ('), trait d'union (-), parenthèses (), guillemet (" "), barre de fraction (/), souligné.

Signes conventionnels :

Télégramme privé urgent D, réponse payée RP, télégramme collationné TC, accusé de réception CR, télégramme recommandé TR, télégramme à faire suivre FS, poste payée PP, exprès payé XP.

Avec l'appareil Morse seulement :

Les lettres : Ä, Å ou A, Ñ, Ö, U.

Avec l'appareil Hughes seulement :

Les signes : croix (+), double trait (=).

X.

1. L'adresse doit porter toutes les indications nécessaires pour assurer la remise du télégramme à destination. Ces indications, à l'exclusion des noms de personnes, doivent être écrites en Français ou dans la langue du pays de destination.

2. L'adresse des télégrammes privés doit toujours être telle que

la remise au destinataire puisse avoir lieu sans recherches, ni demandes de renseignements.

3. Elle doit comprendre, pour les grandes villes, la mention de la rue et du numéro, ou, à défaut de ces indications, celle de la profession du destinataire ou autres analogues.

4. Pour les petites villes même, le nom du destinataire doit être, autant que possible, accompagné d'une indication complémentaire capable de guider le bureau d'arrivée en cas d'altération du nom propre.

5. La mention du pays, dans lequel est située la résidence du destinataire, est *nécessaire*, sauf les cas où cette résidence est une capitale ou une ville importante *dont le nom n'est pas commun à une autre localité*; elle est comprise dans le nombre des mots soumis à la taxe.

6. Les télégrammes dont l'adresse *ne satisfait pas aux conditions prévues par les paragraphes précédents*, doivent néanmoins être transmis.

7. Dans tous les cas l'expéditeur supporte les conséquences de l'insuffisance de l'adresse.

XI.

1. Les télégrammes d'État *doivent être* revêtus du sceau ou du cachet de l'autorité qui les expédie. *Cette formalité n'est pas exigible, lorsque l'authenticité du télégramme ne peut soulever aucun doute.*

2. Le droit d'émettre une réponse comme télégramme d'État est établi par la production du télégramme d'État primitif.

3. Les télégrammes des Agents Consulaires qui exercent le commerce ne sont considérés comme télégrammes d'État que lorsqu'ils sont adressés à un personnage officiel et qu'ils traitent d'affaires de service. Toutefois, les télégrammes qui ne remplissent pas ces dernières conditions ne sont pas refusés par le bureau de départ; mais celui-ci les signale immédiatement à l'Administration Centrale.

XII.

1. La signature n'est pas transmise dans les télégrammes de service; l'adresse de ces télégrammes affecte la forme suivante:

Paris de St. Pétersbourg,
Directeur-Général à Directeur-Général.

2. Quand il s'agit d'avis de service échangés entre bureaux au sujet des incidents de la transmission, on transmet simplement *le numéro et le texte* du télégramme, sans adresse ni signature.

XIII.

1. L'expéditeur d'un télégramme privé *est tenu d'établir son identité, lorsqu'il y est invité par le bureau d'origine.*

2. Il a, de son côté, la faculté de comprendre dans son télégramme la légalisation de sa signature.

3. Chaque État désigne, s'il le juge convenable, les fonctionnaires ou magistrats chargés, dans chaque ville, de légaliser les signatures des expéditeurs. Dans ce cas, chacun des bureaux de cet État s'assure de la sincérité des légalisations qui lui sont présentées, et transmet, après la signature, la formule suivante :

“Signature légalisée par (qualité du fonctionnaire ou magistrat).”

4. Cette mention entre dans le compte des mots taxés.

5. Dans tout autre cas la légalisation est taxée et transmise telle qu'elle est libellée.

4. *Taxation.*

Article X de la Convention.

Les Hautes Parties Contractantes déclarent adopter, pour la formation des tarifs internationaux, les bases ci-après.

La taxe applicable à toutes les correspondances échangées, par la même voie, entre les bureaux de deux quelconques des États Contractants sera uniforme. Un même État pourra toutefois, en Europe, être subdivisé, pour l'application de la taxe uniforme, en deux grandes divisions territoriales au plus.

Le taux de la taxe est établi d'État à État, de concert entre les Gouvernements extrêmes et les Gouvernements intermédiaires.

Les taxes des tarifs applicables aux correspondances échangées entre les États Contractants pourront, à toute époque, être modifiées d'un commun accord.

Le franc est l'unité monétaire qui sert à la composition des tarifs internationaux.

Article XI de la Convention.

Les télégrammes relatifs au service des télégraphes internationaux des États Contractants sont transmis en franchise sur tout le réseau des dits États.

XIV.

1. Le tarif applicable aux correspondances internationales est fixé conformément aux tableaux qui font suite au présent Règlement. *Toutefois, les Administrations dont les territoires sont limitrophes ou reliés par un câble ne sont pas tenues d'en appliquer les principes et les dispositions à leurs relations mutuelles.*

2. Les modifications prévues au paragraphe 4 de l'Article X de la Convention devront avoir pour but et pour effet, non point de créer une concurrence de taxe entre les voies existantes, mais bien d'ouvrir au public à taxes égales autant de voies que possible, *et les*

combinaisons nécessaires seront réglées de telle manière que les taxes terminales des Offices d'origine et de destination restent égales, quelle que soit la voie suivie.

3. *Toute taxe ou disposition nouvelle, toute modification d'ensemble ou de détail, ne seront exécutoires que deux mois, au moins, après leur notification par le Bureau International.*

XV.

1. Le minimum de la taxe s'applique au télégramme dont la longueur ne dépasse pas 20 mots. La taxe applicable au télégramme de 20 mots s'accroît de moitié par chaque série indivisible de 10 mots au-dessus de 20.

2. *Pour la correspondance extra-Européenne la taxe s'établit par mot sur tout le parcours, sans condition de minimum pour le nombre de mots, ou avec un minimum de 10 mots. Le système de taxation qu'un Office extra-Européen déclarera avoir adopté, sera, d'ailleurs, appliqué indistinctement à toutes les correspondances échangées avec les Offices Européens.*

XVI.

1. Les Administrations et les bureaux télégraphiques prennent les mesures nécessaires pour diminuer autant que possible le nombre et l'étendue des télégrammes de service jouissant du privilège de la gratuité qui leur est attribué par l'Article XI de la Convention.

2. Les renseignements qui ne présentent point un caractère d'urgence sont demandés ou donnés par la poste.

XVII.

Tout télégramme rectificatif, complétif, et généralement toute communication échangée avec un bureau télégraphique à l'occasion d'un télégramme transmis ou en cours de transmission, est taxé conformément aux dispositions du présent Règlement, à moins qu'il ne s'agisse d'une communication d'office rendue nécessaire par une erreur de service.

XVIII.

1. La taxe est calculée d'après la voie la moins coûteuse entre le point de départ du télégramme et son point de destination, à moins que l'expéditeur n'ait indiqué une autre voie conformément à l'Article XXXVI.

2. L'indication de la voie écrite par l'expéditeur est transmise dans le préambule, et n'est point taxée.

3. Les Administrations des États Contractants s'engagent à éviter, autant qu'il sera possible, les variations de taxes qui pourraient résulter des interruptions de service des conducteurs sous-marins.

XIX.

1. Le tarif des correspondances échangées entre deux points quelconques des États Contractants doit être composé de telle sorte que la taxe du télégramme de 20 mots soit toujours un multiple du demi-franc.

2. Il sera perçu, *au maximum*, pour un franc : en Allemagne, 0·85 mark; en Autriche et Hongrie, 40 kreuzer (valeur Autrichienne); en Danemark, 0·75 krone; en Égypte, 3 piastres 34 paras monnaie tarif; en Espagne, 1 peseta; dans la Grande Bretagne, 10 pence; en Grèce, 1·16 drachme; dans l'Inde Britannique, 0·44 roupie; en Italie, 1 lira; en Norvège, 22 skillings ou 0·75 krone; dans les Pays-Bas et dans les Indes Néerlandaises, 0·50 florin; en Perse, 1 sahibkran; en Portugal, 200 reis; en Roumanie, 1 piastre nouvelle; en Russie, 0·25 rouble; en Serbie, 5 piastres; en Suède, 0·75 krona; en Turquie, 4 piastres, 13 paras, 1 aspre medjidiés.

3. Le paiement pourra être exigé en valeur métallique.

4. *Dans les Administrations qui formulent leurs tarifs en francs, les taxes composées peuvent être arrondies en multiples du quart de franc.*

5. *Dans les autres Administrations les taxes sont composées au moyen du chiffre représentatif du franc tel qu'il est fixé par elles dans les limites déterminées par le paragraphe 2. Toute taxe ainsi composée pour le parcours entier peut être arrondie dans la monnaie du pays, sans que la somme ajoutée puisse excéder la valeur d'un quart de franc.*

5. Compte des mots.

XX.

1. Tout ce que l'expéditeur écrit sur la minute de son télégramme, pour être transmis, entre dans le calcul de la taxe, sauf ce qui est dit au paragraphe 9 de l'Article suivant et au paragraphe 2 de l'Article XVIII.

2. La traduction prescrite par le paragraphe 5 de l'Article VIII n'est pas comprise dans les mots taxés.

3. Les mots, nombres ou signes ajoutés par le bureau dans l'intérêt du service ne sont pas taxés.

4. Le nom du bureau de départ, la date, l'heure et la minute du dépôt sont inscrits *d'office* sur la copie remise au destinataire.

5. L'expéditeur peut insérer ces indications, en tout ou en partie, dans le texte de son télégramme. Elles entrent alors dans le compte des mots.

XXI.

1. Le maximum de longueur d'un mot est fixé à 15 caractères [1874-75. LXVI.]

selon l'alphabet Morse; l'excédant, toujours jusqu'à concurrence de 15 caractères, est compté pour un mot.

2. *Pour la correspondance extra-Européenne ce maximum est fixé à 10 caractères.*

3. Les expressions réunies par un trait d'union sont comptées pour le nombre de mots qui servent à les former.

4. Les mots séparés par une apostrophe sont comptés comme autant de mots isolés.

5. Les noms propres de villes et de personnes, les noms de lieux, places, boulevards, etc., les titres, prénoms, particules et qualifications sont comptés pour le nombre des mots employés par l'expéditeur à les exprimer.

6. *Les réunions de mots contraires à l'usage de la langue ne sont point admises. En cas de doute sérieux, la manière d'écrire de l'expéditeur est décisive pour la taxation.*

7. Les nombres écrits en chiffres sont comptés pour autant de mots qu'ils contiennent de fois 5 chiffres, plus un mot pour l'excédant. La même règle est applicable au calcul des groupes de lettres.

8. Tout caractère isolé, lettre ou chiffre, est compté pour un mot; il en est de même du souligné.

9. Les signes de ponctuation, traits d'union, apostrophes, guillemets, parenthèses, alinéas, ne sont pas comptés. *Sur les lignes extra-Européennes la transmission de ces signes n'est pas obligatoire.*

10. Sont toutefois comptés pour un chiffre: les points et les virgules qui entrent dans la formation des nombres, *ainsi que les barres de division.*

11. Les lettres ajoutées aux chiffres pour désigner les nombres ordinaux sont comptées chacune pour un chiffre.

XXII.

Les exemples suivants déterminent l'interprétation des règles à suivre pour compter les mots des télégrammes en langage clair:—

| | Correspondance | |
|---|----------------|-------------------|
| | Européenne. | extra-Européenne. |
| <i>Responsabilité (14 caractères)</i> | 1 mot | 2 mots |
| <i>Kriegsgeschichten (15 caractères)</i> | 1 „ | 2 „ |
| <i>Inconstitutionnalité (20 caractères)</i> | 2 mots | 2 „ |
| <i>A-t-il</i> | 3 „ | 3 „ |
| <i>Aujourd'hui (écrit sans apostrophe)</i> | 1 mot | 1 mot |
| <i>C'est-à-dire</i> | 4 mots | 4 mots |
| <i>J'ai</i> | 2 „ | 2 „ |
| <i>Aix-la-Chapelle</i> | 3 „ | 3 „ |
| <i>Aixlachapelle (12 caractères)</i> | 1 mot | 2 „ |
| <i>Aachen</i> | 1 „ | 1 mot |
| <i>Newyork</i> | 1 „ | 1 „ |
| <i>New-York</i> | 2 mots | 2 mots |
| <i>New South Wales</i> | 3 „ | 3 „ |
| <i>Newsouthwales (13 caractères).. .. .</i> | 1 mot | 2 „ |

| | Correspondance | |
|---|----------------|-------------------|
| | Européenne. | extra-Européenne. |
| Van de Brande | 3 mots | 3 mots |
| Vandebrande (11 caractères) | 1 mot | 2 „ |
| Du Bois | 2 mots | 2 „ |
| Dubois | 1 mot | 1 mot |
| De Lygne.. .. . | 2 mots | 2 mots |
| Delygne | 1 mot | 1 mot |
| 44½ (5 chiffres et signes) | 1 „ | 1 „ |
| 444½ (6 „ „ „) | 2 mots | 2 mots |
| 444·5 (5 „ „ „) | 1 mot | 1 mot |
| 444·55 (6 „ „ „) | 2 mots | 2 mots |
| 10 francs 50 centimes (ou) 10 fr. 50 c. | 4 „ | 4 „ |
| 10 fr. 50 | 3 „ | 3 „ |
| Fr. 10·50 | 2 „ | 2 „ |
| 11 h. 30 | 3 „ | 3 „ |
| 11.30 | 1 mot | 1 mot |
| Le 17me | 2 mots | 2 mots |
| Le 1529me | 3 „ | 3 „ |
| 44/2 | 1 mot | 1 mot |
| 44/.. | 1 „ | 1 „ |
| 2°/o | 1 „ | 1 „ |
| 2 p. o/o | 3 mots | 3 mots |
| huit/10 | 2 „ | 2 „ |
| 5/douzièmes | 2 „ | 2 „ |
| 5 bis | 2 „ | 2 „ |
| 5 ter | 2 „ | 2 „ |
| Deux cent trente quatre.. .. . | 4 „ | 4 „ |
| Vierunddreissig (15 caractères) | 1 mot | 2 „ |
| Hundertvierunddreissig (22 caractères) | 2 mots | 3 „ |
| Trentaquattro (13 caractères) | 1 mot | 2 „ |
| Centotrentaquattro (18 caractères) | 2 mots | 2 „ |
| Two hundred and thirty-four | 5 „ | 5 „ |
| Tweehondertvier (15 caractères) | 1 mot | 2 „ |
| Tweehondertvierendertig (23 caractères) | 2 mots | 3 „ |
| E | 1 mot | 1 mot |
| E. M | 2 mots | 2 mots |
| Emvtch (6 lettres) | 2 „ | 2 „ |
| tmrlz (5 lettres) | 1 mot | 1 mot |
| L'affaire est urgente : partir <u>sans retard</u> (7 mots et deux soulignes*) | 9 mots | 9 mots |

XXIII.

Dans les télégrammes qui contiennent un langage secret (Article VII), les mots clairs sont comptés conformément aux Articles précédents, les groupes de chiffres ou de lettres comme autant de nombres écrits en chiffres (Article XXI, § 7), et les mots en langue non admise aux termes de l'Article VI, comme des groupes de lettres.

6. Perception des Taxes.

XXIV.

1. La perception des taxes a lieu au départ, sauf les exceptions

* Le signal souligné est transmis avant et après chaque mot ou passage souligné.

prévues pour les télégrammes à faire suivre (Article LII, § 6), les frais d'express (Article LVI, § 1) et les télégrammes sémaphoriques (Article LVIII, § 5) qui donnent lieu à une perception par le bureau d'arrivée.

2. *L'expéditeur d'un télégramme international a le droit d'en demander reçu avec mention de la taxe perçue.*

3. *L'office d'origine a la faculté de percevoir, de ce chef, une rétribution à son profit, dans les limites d'un quart de franc.*

4. Dans tous les cas où il doit y avoir perception à l'arrivée, le télégramme n'est délivré au destinataire que contre paiement de la taxe due.

5. Si la taxe à percevoir à l'arrivée n'est pas recouvrée, la perte est supportée par l'office d'arrivée, à moins de conventions spéciales conclues conformément à l'Article XVII de la Convention, *sauf ce qui est prévu aux Articles LII et LVIII ci-après, pour les réexpéditions des télégrammes à faire suivre et pour les télégrammes sémaphoriques.*

6. Les Administrations Télégraphiques prennent, toutefois, autant que possible, les mesures nécessaires pour que les taxes à percevoir à l'arrivée, et qui n'auraient pas été acquittées par le destinataire, soient recouvrées sur l'expéditeur. Quand ce recouvrement a lieu, l'Office qui le fait en tient compte à l'Office intéressé.

XXV.

1. Les taxes perçues en moins par erreur, *et les taxes et frais non perçus sur le destinataire* par suite de refus ou de l'impossibilité de le trouver, doivent être complétées par l'expéditeur.

2. Les taxes perçues en plus par erreur sont de même remboursées aux intéressés. *Toutefois, le montant des timbres appliqués en trop par l'expéditeur n'est remboursé que sur sa demande.*

7. Transmissions des Télégrammes.

a. Signaux de Transmission.

XXVI.

Les tableaux ci-dessous indiquent les signaux employés dans le service des appareils Morse et Hughes :—

A. Signaux de l'appareil Morse.

Lettres :

| | |
|----------------|--|
| a — — — | Espacement et longueur des signes. |
| ä — — — — | |
| á ou â — — — — | 1. Une barre est égale à 3 points. |
| b — — — — | 2. L'espace entre les signaux d'une même |
| c — — — — | lettre est égal à 1 point. |

ch — — — — 3. L'espace entre deux lettres est égal à 3 points.

d — — — 4. L'espace entre deux mots est égal à 5 points.

e —

é — — — —

f — — — —

g — — — —

h — — — —

i — —

j — — — —

k — — — —

l — — — —

m — — —

n — — —

ñ — — — — —

o — — — —

ö — — — —

p — — — —

q — — — —

r — — — —

s — — —

t — —

u — — — —

ü — — — —

v — — — —

w — — — —

x — — — —

y — — — —

z — — — —

Chiffres :

1 — — — —

2 — — — —

3 — — — —

4 — — — —

5 — — — —

6 — — — —

7 — — — —

8 — — — —

9 — — — —

0 — — — —

Barre de fraction — — — —

On peut aussi employer, pour exprimer les chiffres, les signaux suivants, mais seulement dans les répétitions d'office.

| | |
|-----------|--------------------|
| — — | 1 |
| — — — | 2 |
| — — — — | 3 |
| — — — — — | 4 |
| — — — — — | 5 |
| — — — — — | 6 |
| — — — — — | 7 |
| — — — | 8 |
| — — | 9 |
| — | 0 |
| — — | Barre de fraction. |

Signaux de Ponctuation et autres :

| | | |
|---|-------|-----------|
| Point | (.) | — — — — — |
| Point et virgule | (;) | — — — — — |
| Virgule | (,) | — — — — — |
| Deux points.. .. . | (:) | — — — — — |
| Point d'interrogation ou demande de répétition d'une transmission non comprise | (?) | — — — — — |
| Point d'exclamation | (!) | — — — — — |
| Apostrophe | (') | — — — — — |
| Alinéa | | — — — — — |
| Trait d'union | (-) | — — — — — |
| Parenthèses (avant et après les mots) .. | () | — — — — — |
| Guillemets | (" ") | — — — — — |
| Souligné (avant et après les mots ou le membre de phrase) | | — — — — — |
| Signal séparant le préambule de l'adresse, l'adresse du texte et le texte de la signature | | — — — — — |

Indications de Service :

| | |
|--------------------------------|-----------|
| Télégramme d'État | — — — |
| „ de service | — — — |
| „ privé urgent | — — — — |
| „ „ ordinaire | — — — — — |
| Avis télégraphique | — — — — — |
| Réponse payée | — — — — — |
| Télégramme collationné | — — — — — |
| Accusé de réception | — — — — — |
| Télégramme recommandé | — — — — — |
| „ à faire suivre | — — — — — |
| Poste payée | — — — — — |
| Exprès payé | — — — — — |

| | |
|--|-----------|
| Appel (préliminaire de toute transmission) | — — — — — |
| Compris | — — — — — |
| Erreur | — — — — — |
| Fin de la transmission | — — — — — |
| Invitation à transmettre | — — — — — |
| Attente | — — — — — |
| Réception terminée | — — — — — |

B. Signaux de l'appareil Hughes.

Lettres :

A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V,
W, X, Y, Z.

Chiffres :

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

Signes de Ponctuation et autres :

Point, virgule, point et virgule, deux points, point d'interrogation, point d'exclamation, apostrophe, croix +, trait d'union, E accentué, barre de fraction /, double trait =, parenthèse de gauche (, parenthèse de droite), &, guillemet (" ").

L'espace entre deux nombres est marqué par deux blancs. Dans la transmission et dans le collationnement d'un nombre fractionnaire non décimal, le nombre entier doit être séparé par un blanc du numérateur de la fraction ordinaire qui suit:—Exemple:—1 3/4 et non 13/4.

Les mots et passages soulignés sont précédés et suivis de deux traits d'union (Exemple: — — sans retard — —), et soulignés à la main par l'employé d'arrivée.

Indications de Service et Signes Conventionnels.

| | |
|--|-----|
| Télégramme d'État | S. |
| „ de service | A. |
| „ <i>privé urgent</i> | D. |
| „ „ <i>non urgent</i> | P. |
| „ <i>Avis télégraphique</i> | AV. |
| „ <i>Réponse payée</i> | RP. |
| „ <i>Télégramme collationné</i> | TC. |
| „ <i>Accusé de réception</i> | CR. |
| „ <i>Télégramme recommandé</i> | TR. |
| „ <i>Télégramme à faire suivre</i> | FS. |
| „ <i>Poste payée</i> | PP. |
| „ <i>Exprès payé</i> | XP. |

Pour appeler le poste avec lequel on est en communication ou pour lui répondre: le blanc et l'N répétés alternativement;

Pour régler le synchronisme et demander dans ce but la répétition prolongée du même signe : une combinaison composée du blanc, de l'I et du T, reproduite autant de fois qu'il est nécessaire ;

Pour demander ou faciliter le réglage de l'électro-aimant : une combinaison formée des 4 signaux suivants : le blanc, l'I, l'N, et le T, répétée autant de fois qu'il est nécessaire ;

Pour donner attente : la combinaison ATT, suivie de la durée probable de l'attente ;

Pour indiquer une erreur : 2 ou 3 N consécutifs, sans aucun signe de ponctuation ;

Pour interrompre la transmission du bureau correspondant : 2 ou 3 lettres quelconques convenablement espacées.

Les accents sur E sont tracés à la plume ou au crayon noir à la fin des mots (avec ou sans s) et lorsqu'ils sont essentiels au sens (Ex. : " Achète, acheté "). Dans ce dernier cas, le transmetteur répète le mot après la signature, en y faisant figurer l'E accentué entre deux blancs, pour appeler l'attention du poste qui reçoit. Pour ä, ö, et ü, on transmet respectivement ae, oe, et ue.

b. Ordre de Transmission.

XXVII.

1. La transmission des télégrammes a lieu dans l'ordre suivant :

a. Télégrammes d'État.

b. „ de service.

c. „ privés *urgents*.

d. „ „ *non urgents et avis télégraphiques*.

2. Tout bureau qui reçoit par un fil international un télégramme présenté comme télégramme d'État ou de service, le réexpédie comme tel.

3. Les avis de service émanant des divers bureaux et relatifs aux incidents de transmission circulent sur le réseau international comme télégrammes de service.

XXVIII.

1. Un télégramme commencé ne peut être interrompu pour faire place à une communication d'un rang supérieur qu'en cas d'urgence absolue.

2. Les télégrammes de même rang sont transmis par les bureaux de départ dans l'ordre de leur dépôt, et par les bureaux intermédiaires dans l'ordre de leur réception.

3. Dans les bureaux intermédiaires, les télégrammes de départ et les télégrammes de passage qui doivent emprunter les mêmes fils sont confondus et transmis indistinctement, en suivant l'heure du dépôt ou de la réception.

4. Entre deux bureaux en relation directe, les télégrammes de même rang sont transmis dans l'ordre alternatif.

5. Il peut être toutefois dérogé à cette règle et à celle du paragraphe 1 de l'Article XXVII, dans l'intérêt de la célérité des transmissions, sur les lignes dont le travail est continu ou qui sont desservies par des appareils spéciaux.

XXIX.

1. A l'appareil Morse, les télégrammes d'État ou de service *et les télégrammes privés urgents* ne sont pas comptés dans l'ordre alternatif des *transmissions*.

2. La transmission des télégrammes échangés par l'appareil Hughes s'effectue par séries alternatives. *Les chefs des deux bureaux en correspondance fixent, en tenant compte de la longueur des télégrammes et des exigences du service, le nombre des télégrammes, de quelque nature qu'ils soient, constituant chaque série. Cependant la série ne peut comprendre plus de 10 télégrammes.* Les télégrammes d'une même série sont considérés comme formant une seule transmission qui ne doit être interrompue que dans le cas d'urgence exceptionnelle. *En général, tout télégramme de 200 mots ou au-dessus est considéré comme formant une seule série. Ce mode de transmission peut être appliqué à l'appareil Morse sur les lignes importantes dont le travail est continu, mais dans ce cas chaque série ne peut être composée de plus de 5 télégrammes.*

3. Le bureau qui a transmis une série est en droit de continuer, lorsqu'il survient un télégramme d'État, de service, *ou privé urgent* auquel la priorité de transmission est accordée, à moins que le bureau qui vient de recevoir n'ait déjà commencé de transmettre à son tour.

4. Dans les deux systèmes d'appareil, la transmission du télégramme ou de la série terminée, le bureau qui vient de recevoir transmet à son tour, s'il a un télégramme; sinon, l'autre continue. Si de part et d'autre il n'y a rien à transmettre, les deux bureaux se donnent réciproquement le signal "zéro."

c. Mode de procéder.

XXX.

1. Toute correspondance entre deux bureaux commence par le signal d'appel.

2. Le bureau appelé doit répondre immédiatement, en donnant son indicatif, et, s'il est empêché de recevoir, le signal d'attente, suivi d'un chiffre indiquant la durée probable de l'attente. Si la durée probable excède 10 minutes, l'attente doit être motivée.

3. Aucun bureau appelé ne peut refuser de recevoir les télégrammes qu'on lui *présente*, quelle qu'en soit la destination. *Toute-*

fois, en cas d'erreur évidente, le bureau qui transmet est tenu de la redresser, aussitôt que le bureau correspondant la lui a signalée par avis de service.

4. On ne doit, ni refuser, ni retarder un télégramme, si les indications de service ne sont pas régulières. Il faut le recevoir et puis en demander, au besoin, la régularisation au bureau d'origine par un avis de service, conformément à l'Article LXIII ci-après.

XXXI.

1. Lorsque le bureau qui vient d'appeler a reçu, sans autre signal, l'indicatif du bureau qui répond, il transmet dans l'ordre suivant les indications de service, constituant le préambule du télégramme :—

a. Nature du télégramme, au moyen d'une des lettres S, A, D, quand c'est un télégramme d'État, de service, *ou privé urgent* ;

b. Bureau de destination ;*

c. Bureau d'origine précédé de la particule *de* (Exemple : *Paris de Bruxelles*) ;†

d. Numéro du télégramme ;

e. Nombre de mots (dans les télégrammes chiffrés on indique : 1, le nombre total des mots qui sert de base à la taxe ; 2, le nombre des mots écrits en langage ordinaire ; 3, s'il y a lieu, le nombre des groupes de chiffres ou lettres) ;

f. Dépôt du télégramme (par 3 nombres, date, heure et minute, avec l'indication *m* ou *s* [matin ou soir]) ;

Dans la transmission par l'appareil Morse, les indications m ou s, ainsi que la date, peuvent être omises, quand il n'y a aucun doute.

Dans la transmission des télégrammes par l'appareil Hughes, la date est donnée sous la forme d'une fraction, dont le numérateur indique le jour et le dénominateur le mois ;

g. Voie à suivre (quand l'expéditeur l'a indiquée par écrit dans son télégramme) (Art. XVIII, § 2, et XXXVI, § 4) ;

h. Autres indications éventuelles (nombre des adresses, télégramme sémaphorique, &c.)

Les indications contenues sous les lettres b, d et f ne sont pas obligatoires pour les Offices extra-Européens.

2. À la suite du préambule spécifié ci-dessus, on télégraphie successivement l'adresse, le texte et la signature du télégramme.

3. Dans les télégrammes transmis par l'appareil Morse, le signe

* Lorsque le télégramme est à destination d'une localité non pourvue d'un bureau télégraphique, le préambule indique, non la résidence du destinataire, mais le bureau télégraphique par les soins duquel le télégramme doit être remis à destination, ou envoyé à la poste.

† Indiquer le pays ou la situation géographique du bureau d'origine, quand il y a un autre bureau de même nom.

de séparation (— — — —) est placé entre le préambule et l'adresse, entre l'adresse et le texte, entre le texte et la signature. On termine par le signal de "fin de la transmission."

4. Dans les télégrammes transmis par l'appareil Hughes on emploie un double trait (=) pour séparer le préambule de l'adresse, l'adresse du texte, le texte de la signature, et on termine chaque télégramme par la croix (+).

5. Si l'employé qui transmet s'aperçoit qu'il s'est trompé, il doit s'interrompre par le signal d'erreur, répéter le dernier mot bien transmis, et continuer, à partir de là, la transmission rectifiée.

6. De même, l'employé qui reçoit, s'il rencontre un mot qu'il ne parvient pas à saisir, doit interrompre son correspondant par le même signal, et répéter le dernier mot compris en le faisant suivre d'un point d'interrogation. Le correspondant reprend alors la transmission à partir de ce mot, en s'efforçant de rendre ses signaux aussi clairs que possible.

7. Hormis les cas déterminés de concert par les diverses Administrations, il est interdit d'employer une abréviation quelconque en transmettant le texte d'un télégramme, ou de modifier ce texte de quelque manière que ce soit. Tout télégramme doit être transmis tel que l'expéditeur l'a écrit et d'après sa minute.

d. Réception et Répétition d'Office.

XXXII.

Aussitôt après la transmission, l'employé qui a reçu compare pour chaque télégramme le nombre des mots transmis au nombre annoncé, et il accuse réception du télégramme ou des télégrammes constituant la série.

XXXIII.

1. *En cas de différence dans le nombre des mots, il la signale à son correspondant. Si ce dernier s'est simplement trompé dans l'annonce du nombre des mots, il répond : " admis ; " sinon, il répète la première lettre de chaque mot jusqu'au passage omis, qu'il rétablit.*

2. *Lorsque cette différence ne provient pas d'une erreur de transmission, la rectification du premier de ces nombres ne peut se faire que d'un commun accord entre le bureau d'origine et le bureau correspondant. Les autres bureaux doivent s'abstenir de toute rectification et se borner à ajouter au nombre des mots annoncé le nombre réel, en les séparant par une barre de fraction.*

XXXIV.

1. *Les employés peuvent, pour mettre leur responsabilité à couvert,*

donner ou exiger la répétition partielle ou intégrale des télégrammes qu'ils ont transmis ou reçus. Cette répétition se fait, à l'appareil Morse, par l'employé qui a reçu et, à l'appareil Hughes, par l'employé qui a transmis, à la fin du télégramme ou de la série.

2. *Quand on donne la répétition des nombres suivis de fractions, ou des fractions dont le numérateur est formé de deux chiffres ou plus, on doit répéter, en toutes lettres, le numérateur de la fraction, afin d'éviter toute confusion. Ainsi pour $1\frac{1}{16}$ il faut répéter en Français 1 un 16, afin qu'on ne lise pas $\frac{1}{16}$; pour $\frac{13}{4}$, il faut répéter 13 4, afin qu'on ne lise pas $1\frac{3}{4}$.*

3. *Cette répétition ne peut être retardée ni interrompue sous aucun prétexte. La vérification achevée, le bureau qui a reçu donne à celui qui a transmis le signal de "réception terminée," suivi, s'il s'agit d'une série, du nombre des télégrammes reçus.*

XXXV.

1. Les rectifications relatives à des télégrammes d'une série précédemment transmise, sont faites par avis de service adressés aux bureaux de destination. Ces avis rappellent le nom et l'adresse des destinataires.

2. Les demandes de renseignements qui se produisent dans les mêmes conditions font également l'objet d'un avis de service.

3. S'il arrive que, par suite d'interruption ou par une autre cause quelconque, on ne puisse recevoir la répétition, cette circonstance n'empêche pas la remise du télégramme au destinataire, sauf à lui communiquer ultérieurement la rectification, le cas échéant.

e. Direction à donner aux Télégrammes.

XXXVI.

1. Lorsque l'expéditeur n'a prescrit aucune voie à suivre, chacun des Offices à partir desquels les voies se divisent, reste juge de la direction à donner au télégramme.

2. Si, au contraire, l'expéditeur a prescrit la voie à suivre, les Offices respectifs sont tenus de se conformer à ses indications, à moins d'interruption de la voie indiquée, auquel cas il ne peut élever aucune réclamation.

3. Les différentes voies que peuvent suivre les télégrammes sont indiquées par des formules concises, arrêtées de commun accord par les Offices intéressés.

4. L'expéditeur qui veut prescrire la voie à suivre doit écrire lui-même, en marge de sa minute, la formule correspondante. Cette indication est transmise dans le préambule (Arts. XVIII, § 2, et XXXI, § 1, g), mais seulement jusqu'au point où elle peut être utile.

f. Interruption des Communications Télégraphiques. Transmissions par Ampliation.

XXXVII.

1. Lorsqu'il se produit au cours de la transmission d'un télégramme une interruption dans les communications télégraphiques régulières, le bureau à partir duquel l'interruption s'est produite expédie immédiatement le télégramme par la poste (lettre recommandée d'office ou portée par exprès) ou par un moyen de transport plus rapide, s'il en dispose, par exemple, par une voie télégraphique détournée (Art. LXXII, § 4). Les frais de poste sont supportés par le bureau qui fait cette réexpédition. La lettre expédiée par la poste doit porter l'annotation "télégramme."

2. Le bureau qui recourt à un mode de réexpédition autre que le télégraphe adresse le télégramme, suivant les circonstances, soit au premier bureau télégraphique en mesure de le réexpédier, soit au bureau de destination, soit au destinataire même lorsque cette réexpédition se fait dans les limites de l'État de destination. Dès que la communication est rétablie, le télégramme est de nouveau transmis par la voie télégraphique, à moins qu'il n'en ait été précédemment accusé réception, ou que, par suite d'encombrement exceptionnel, cette réexpédition ne doive être manifestement nuisible à l'ensemble du service.

3. Les télégrammes à destination des pays extra-Européens ne sont réexpédiés par une voie plus coûteuse que dans le cas où l'expéditeur a déposé la taxe de ce parcours.

XXXVIII.

1. Les télégrammes qui, par un motif quelconque, sont adressés par la poste à un bureau télégraphique sont accompagnés d'un bordereau. En même temps, le bureau qui fait cette expédition en avertit le bureau auquel il l'adresse, pourvu que les communications télégraphiques le permettent, par un télégramme de service indiquant le nombre des télégrammes expédiés et l'heure du courrier.

2. A l'arrivée du courrier, le bureau correspondant vérifie si le nombre des télégrammes annoncé est bien arrivé. En ce cas, il en accuse réception sur le bordereau et le renvoie immédiatement au bureau expéditeur. Il renouvelle cet avis après le retablisement des communications télégraphiques par un télégramme de service dans la forme suivante :—

"Reçu 63 télégrammes conformément au bordereau du 30 Mars."

3. Les dispositions du paragraphe 2 s'appliquent également au cas où un bureau télégraphique reçoit par la poste un envoi de télégrammes sans en être averti.

4. *Lorsqu'un envoi de télégrammes annoncé n'arrive pas, le bureau expéditeur en doit être averti immédiatement.* Celui-ci peut, selon les circonstances, répéter l'envoi par la poste ou transmettre les télégrammes par la voie télégraphique, si les correspondances ultérieures ne doivent pas en souffrir.

5. Le bureau qui réexpédie par télégraphe des télégrammes déjà transmis par la poste en informe le bureau sur lequel les télégrammes ont été dirigés, par un avis de service rédigé dans la forme suivante :—

“ Berlin de Görlitz, Télégrammes Nos. — du bordereau No. — réexpédiés par ampliation.”

6. Quand un télégramme est envoyé directement au destinataire dans le cas prévu à l'Article XXXVII, il est accompagné d'un avis indiquant l'interruption des lignes.

7. Lorsque pour une cause quelconque un télégramme transmis déjà par une autre voie, *soit par poste, soit par un autre fil*, est réexpédié par télégraphe, cette réexpédition par ampliation doit être signalée par une indication de service dans le préambule, p. ex. :—

“ Ampliation, déjà expédié à — (nom du bureau) le — (date) par le fil No. — (ou) par la voie de — (ou) par la poste.”

g. Arrêt de Transmission. Contrôle.

XXXIX.

1. Tout expéditeur peut, en justifiant de sa qualité, arrêter, s'il en est encore temps, la transmission du télégramme qu'il a déposé.

2. Lorsqu'un expéditeur retire ou arrête son télégramme avant que la transmission en ait été commencée, la taxe lui est remboursée sous déduction d'un droit fixe d'un demi-franc au profit de l'Office d'origine.

3. Si la transmission est commencée, la taxe encaissée reste acquise aux Offices intéressés à raison du parcours effectué. Le surplus est remboursé à l'expéditeur.

4. Si le télégramme a été transmis, l'expéditeur ne peut en demander l'annulation que par un télégramme adressé au bureau d'arrivée et dont il acquitte la taxe. Il paie également la réponse, s'il désire être renseigné par voie télégraphique sur la suite donnée à sa demande ; dans le cas contraire, le bureau d'arrivée adresse par la poste ce renseignement au bureau d'origine.

5. *Ces télégrammes sont transmis comme les télégrammes privés.*

XL.

1. Il ne doit être fait usage de la faculté réservée à l'Article VII de la Convention, d'arrêter la transmission de tout télégramme privé qui paraîtrait dangereux pour la sécurité de l'État, ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes

mœurs, qu'à charge d'en avertir immédiatement l'Administration de laquelle dépend le bureau d'origine.

2. Ce contrôle est exercé par les bureaux télégraphiques extrêmes ou intermédiaires, sauf recours à l'Administration centrale, qui prononce sans appel.

3. La transmission des télégrammes d'État se fait de droit. Les bureaux télégraphiques n'ont aucun contrôle à exercer sur eux.

8. *Remise à Destination.*

XLI.

1. Les télégrammes peuvent être adressés, soit à domicile, soit poste restante, soit bureau télégraphique restant.

2. Ils sont remis ou expédiés à destination dans l'ordre de leur réception.

3. Les télégrammes adressés à domicile, dans la localité que le bureau télégraphique dessert, sont immédiatement portés à leur adresse.

4. Les télégrammes qui doivent être déposés poste restante sont immédiatement remis à la poste comme lettre recommandée par le bureau télégraphique d'arrivée, sans frais pour l'expéditeur ni pour le destinataire.

5. Les télégrammes adressés aux passagers d'un navire qui fait escale dans un port leur sont remis, autant que possible, avant le débarquement.

XLII.

1. Un télégramme porté à domicile peut être remis, soit au destinataire, soit aux membres adultes de sa famille, à ses employés, locataires ou hôtes, soit au concierge de l'hôtel ou de la maison, à moins que le destinataire n'ait désigné par écrit un délégué spécial, ou que l'expéditeur n'ait demandé que la remise n'eût lieu qu'entre les mains du destinataire seul.

2. Cette dernière demande doit être mentionnée dans l'adresse du télégramme et reproduite sur l'enveloppe par le bureau d'arrivée, qui donne au porteur les instructions nécessaires pour s'y conformer.

3. Lorsqu'un télégramme ne peut pas être remis au destinataire, le bureau d'arrivée, *s'il peut supposer que l'adresse est insuffisante ou mal transmise*, envoie au bureau d'origine un avis de service dans la forme suivante :

No.... de.... (date), adressé à (adresse textuellement conforme à celle qui a été reçue), destinataire inconnu.

4. Le bureau de départ vérifie l'exactitude de l'adresse. Si elle a été mal transmise, il la rectifie sur-le-champ.

5. *En tout état de choses, l'avis de non-remise n'est transmis que si l'adresse du télégramme est écrite sans abréviation.*

6. Si, par suite d'adresse inexacte ou insuffisante, d'absence ou de refus du destinataire, des frais d'express n'ont pas été acquittés à l'arrivée, le montant de ces frais est indiqué dans l'avis, afin que l'expéditeur puisse être requis de les rembourser.

7. Si la porte n'est pas ouverte à l'adresse indiquée, ou si le porteur ne trouve personne qui consente à recevoir le télégramme pour le destinataire, avis est laissé au domicile indiqué, et le télégramme est rapporté au bureau, pour être délivré au destinataire sur sa réclamation.

8. Lorsque le télégramme est adressé bureau restant, il n'est délivré qu'au destinataire ou à son délégué.

9. Dans les cas prévus par les paragraphes 7 et 8 du présent Article, tout télégramme qui n'a pas été réclamé au bout de 6 semaines est anéanti.

9. *Télégrammes Spéciaux.*

Article IX de la Convention.

Les Hautes Parties Contractantes s'engagent à faire jouir tout expéditeur des différentes combinaisons arrêtées de concert par les Administrations Télégraphiques des États Contractants en vue de donner plus de garanties et de facilités à la transmission et à la remise des correspondances.

Elles s'engagent également à le mettre à même de profiter des dispositions prises et notifiées par l'un quelconque des autres États, pour l'emploi de moyens spéciaux de transmission ou de remise.

a. Avis Télégraphiques.

XLIII.

1. *Tout expéditeur a la faculté de faire transmettre par télégraphe un simple avis qui n'est pas soumis aux formalités des télégrammes ordinaires.*

2. *L'avis télégraphique n'est admis que dans les relations Européennes. Il est limité au maximum de 10 mots, et ne peut être rédigé ni en langage chiffré, ni en langage convenu ; les nombres ne sont admis qu'écrits en toutes lettres.*

3. *L'avis télégraphique ne comporte aucune des opérations accessoires qui font l'objet des télégrammes spéciaux, ni aucune indication gratuite ; il est annoncé par le signal réglementaire indiqué à l'Article XXVI et est transmis, d'ailleurs, sans préambule et sans répétition d'office. Il peut être remis ouvert au destinataire. Les formalités prescrites par l'Article XLII ne sont pas obligatoires pour la remise à domicile des avis télégraphiques, l'Office d'arrivée pouvant déterminer à son gré les conditions de cette remise.*

4. *La taxe de l'avis télégraphique est égale aux trois cinquièmes de la taxe du télégramme ordinaire de 20 mots.*

5. *Les Administrations ne sont pas tenues de délivrer des reçus et de conserver dans les archives les documents relatifs aux avis télégraphiques, ni de donner suite aux réclamations et aux demandes en remboursement qui les concernent.*

6. *Les dispositions du présent Article ne sont pas obligatoires pour les Administrations qui déclarent ne pas pouvoir les appliquer.*

b. Télégrammes Privés Urgents.

XLIV.

1. *L'expéditeur d'un télégramme privé peut obtenir la priorité de transmission en inscrivant le mot "Urgent" avant l'adresse et en payant le triple de la taxe d'un télégramme ordinaire de même longueur pour le même parcours.*

2. *Les télégrammes privés urgents ont la priorité sur les autres télégrammes privés, et leur priorité entre eux est réglée dans les conditions prévues par le paragraphe 2 de l'Article XXVIII.*

3. *Les dispositions des paragraphes précédents ne sont pas obligatoires pour les Administrations qui déclarent ne pas pouvoir les appliquer, soit à une partie, soit à la totalité des télégrammes qui empruntent leurs lignes.*

4. *Les Administrations qui n'acceptent les télégrammes urgents qu'en transit doivent les admettre, soit sur les fils où la transmission est directe à travers leurs territoires, soit dans leurs bureaux de réexpédition, entre les télégrammes de même provenance et de même destination. La taxe de transit qui leur revient est triplée comme pour les autres parties du trajet.*

c. Réponses Payées.

XLV.

1. *Tout expéditeur peut affranchir la réponse qu'il demande à son correspondant; toutefois, l'affranchissement ne peut dépasser le triple de la taxe du télégramme primitif.*

2. *Dans le cas de télégramme demandant une réponse payée l'expéditeur doit inscrire avant l'adresse l'indication: "réponse payée (ou RP)."*

3. *La taxe est perçue pour une réponse simple par la même voie.*

4. *L'expéditeur peut d'ailleurs compléter la mention en mettant: "Réponse payée (ou RP)....fr....c.," et acquitter la somme correspondante, dans les limites autorisées par le paragraphe 1 du présent Article.*

XLVI.

1. *Au lieu de destination, le bureau d'arrivée paie au destina-*

taire le montant de la taxe perçue, au départ, pour la réponse, soit en monnaie, soit en timbres-télégraphe, soit au moyen d'un bon de caisse, en lui laissant le soin d'expédier la réponse dans un délai, à une adresse et par une voie quelconques.

2. Cette réponse est considérée et traitée comme tout autre télégramme.

3. Si le télégramme primitif ne peut être remis au bout de 6 semaines, ou si le destinataire refuse formellement la somme affectée à la réponse, le bureau d'arrivée en informe l'expéditeur par un avis qui tient lieu de la réponse. Cet avis contient l'indication des circonstances qui se sont opposées à la remise.

4. Lorsque le télégramme ne peut être remis, dès l'arrivée, dans les circonstances prévues par le paragraphe 3 de l'Article XLII, l'avis de service est transmis dans la forme prescrite par ce paragraphe.

5. En cas de refus du destinataire, la réponse d'office est émise sur-le-champ, dans la forme suivante :—

“ Réponse à No.....de.....

“ Le destinataire a refusé.”

6. Si le télégramme avec réponse payée n'a pu être remis au bout de 6 semaines, la réponse d'office est émise dans la même forme, comme télégramme privé, sauf les mots suivants :—

“ Le destinataire n'a pas retiré le télégramme.”

XLVII.

1. Les dispositions des deux Articles précédents ne sont pas obligatoires pour les Offices extra-Européens qui déclarent ne point pouvoir les appliquer.

2. Dans les relations avec ces Offices, la taxe déposée pour la réponse est portée en compte à l'Office d'arrivée, qui adopte tel moyen qu'il juge convenable pour mettre le destinataire en mesure d'en profiter.

3. *Dans la correspondance extra-Européenne, l'expéditeur doit toujours insérer dans le texte du télégramme le nombre de mots payés pour la réponse.*

d. Télégrammes Collationnés.

XLVIII.

1. L'expéditeur de tout télégramme a la faculté d'en demander le collationnement. Dans ce cas, les divers bureaux qui concourent à la transmission en donnent le collationnement intégral.

2. *Ce collationnement est donné à tous les appareils par le bureau qui a reçu et immédiatement après la transmission du télégramme à collationner.*

3. La taxe du collationnement est égale à la moitié de celle du

télégramme, toute fraction de quart de franc étant comptée comme un quart de franc.

4. *Le collationnement taxé est obligatoire pour les télégrammes privés contenant un langage secret en chiffres ou en lettres. Cette prescription n'est pas applicable aux télégrammes d'État ni au langage convenu composé de mots clairs.*

e. Accusés de Réception.

XLIX.

1. L'expéditeur de tout télégramme peut demander que l'indication de l'heure à laquelle son télégramme sera remis à son correspondant lui soit *notifiée, par télégraphe, aussitôt après la remise.*

2. La taxe de l'accusé de réception est égale à celle d'un télégramme simple. *Pour la correspondance extra-Européenne, cette taxe est celle de 10 mots.*

L.

1. L'accusé de réception est donné, *comme télégramme privé, dans la forme suivante :—*

“Paris de Berne.—No.... Date.... Télégramme No.... adressé à.... Rue.... Remis le.... à.... h.... m.... m. ou s. (ou motif de non remise).”

2. Les accusés de réception reçoivent un numéro d'ordre au bureau qui les envoie. Ils jouissent de la priorité accordée aux avis de service sur les télégrammes privés.

3. Dans le cas prévu par le paragraphe 3 de l'Article XLII, *l'accusé de réception est précédé de l'avis de service prescrit par ce paragraphe. L'accusé de réception est transmis ensuite, soit après la remise du télégramme, si elle est devenue possible soit ; après 24 heures, si elle n'a pu avoir lieu.*

f. Télégrammes Recommandés.

LI.

1. *Entre les Administrations qui acceptent ce mode de correspondance, tout expéditeur a la faculté de recommander son télégramme.*

2. *Lorsqu'un télégramme est recommandé, l'Administration qui l'a reçu s'engage à payer à l'expéditeur, dans tous les cas qui, pour les télégrammes collationnés, donnent droit au remboursement de la taxe, outre le montant de la taxe perçue, une somme fixe de 50 francs. Toutefois, quand l'irrégularité provient d'un cas de force majeure, il n'est attribué à l'expéditeur que la restitution de la taxe.*

3. *Le télégramme recommandé donne lieu au collationnement*

intégral et à l'accusé de réception prévus par les Articles XLVIII à L.

4. *Le télégramme recommandé ne peut être rédigé que dans la langue du pays d'origine ou de destination ou en langue Française. Les télégrammes en langage secret ou adressés à plusieurs destinataires ne sont pas admis à la recommandation.*

5. *La taxe du télégramme recommandé est le triple de celle du télégramme ordinaire. Cette taxe se répartit, dans les conditions habituelles, entre les Administrations qui ont concours à la transmission.*

6. *En cas de réclamation, l'Office d'origine décide si le remboursement de la taxe, ainsi que le paiement de 50 francs, doit avoir lieu, et détermine les irrégularités qui le justifient. La restitution de la taxe et, s'il y a lieu, l'allocation attribuée à l'expéditeur sont mises à la charge des Offices à qui sont imputables ces irrégularités, dans les conditions fixées par les Articles LXVII à LXX ci-après. Pour la correspondance extra-Européenne, le paiement de l'allocation est supporté par les Offices en faute, le remboursement de la taxe étant effectué dans les conditions du paragraphe 11 de l'Article LXIX.*

g. Télégrammes à Faire Suivre.

LII.

1. *Tout expéditeur peut demander, en inscrivant dans l'adresse les indications nécessaires, que le bureau d'arrivée fasse suivre son télégramme dans les limites de l'Europe.*

2. *Lorsqu'un télégramme porte le mention "faire suivre," sans autre indication, le bureau de destination, après l'avoir présenté à l'adresse indiquée le réexpédie immédiatement, s'il y a lieu, à la nouvelle adresse qui lui est désignée au domicile du destinataire.*

3. *Si aucune indication ne lui est fournie, il garde le télégramme en dépôt, en observant les dispositions des paragraphes 3 et 7 de l'Article XLII. Si le télégramme est réexpédié et que le second bureau ne trouve pas le destinataire à l'adresse nouvelle, le télégramme est conservé par ce bureau.*

4. *Si la mention "faire suivre" est accompagnée d'adresses successives, le télégramme est successivement transmis à chacune des destinations indiquées jusqu'à la dernière, s'il y a lieu, et le dernier bureau se conforme aux dispositions du paragraphe précédent.*

5. *Le texte primitif du télégramme à faire suivre doit être intégralement transmis aux bureaux de destination successifs et reproduit sur la copie adressée au destinataire; mais, dans le préambule, chaque bureau ne reproduit, après les mots "faire suivre," que les adresses auxquelles le télégramme peut encore être expédié.*

6. *La taxe internationale à percevoir au départ pour les télé-*

grammes à faire suivre est simplement la taxe afférente au premier parcours, l'adresse complète entrant dans le nombre des mots. La taxe complémentaire est perçue sur le destinataire.

7. A partir du premier bureau indiqué dans l'adresse, les taxes à percevoir sur le destinataire, pour les parcours ultérieurs, doivent, à chaque réexpédition, être indiquées d'office dans le préambule.

8. *Cette indication est formulée comme il suit :—“ Taxes à percevoir . . . francs . . . centimes.”* Si les réexpéditions ont lieu dans les limites de l'État auquel appartient le bureau d'arrivée, la taxe complémentaire à percevoir sur le destinataire est calculée, pour chaque réexpédition, suivant le tarif intérieur de cet État. Si les réexpéditions ont lieu hors de ces limites, la taxe complémentaire est calculée en considérant comme autant de télégrammes séparés chaque réexpédition internationale. Le tarif pour chaque réexpédition est le tarif applicable aux correspondances échangées entre l'État qui réexpédie et celui auquel le télégramme est réexpédié.

9. Si la taxe de réexpédition n'est pas recouvrée par l'Office d'arrivée, l'Administration dont ce bureau relève est remboursée du montant des taxes dues aux Administrations, moyennant bulletin de remboursement.

LIII.

1. Toute personne peut demander, en fournissant les justifications nécessaires, que les télégrammes qui arriveraient à un bureau télégraphique, pour lui être remis dans le rayon de distribution de ce bureau, lui soient réexpédiés, dans les conditions de l'Article précédent, à l'adresse qu'elle aura indiquée.

2. *Les demandes de réexpédition doivent être faites par écrit.*

3. Chaque Administration se réserve la faculté de faire suivre, quand il y aura lieu, d'après les indications données au domicile du destinataire, les télégrammes pour lesquels aucune indication spéciale n'aurait d'ailleurs été fournie.

h. Télégrammes Multiples.

LIV.

1. Les télégrammes peuvent être adressés :—

Soit à plusieurs destinataires dans des localités différentes ;

Soit à plusieurs destinataires dans une même localité ;

Soit à un même destinataire dans des localités différentes ou à plusieurs domiciles dans la même localité.

2. Les télégrammes adressés à plusieurs destinataires, ou à un même destinataire dans des localités desservies par des bureaux différents, sont taxés comme autant de télégrammes séparés. *Toutefois, si ces bureaux appartiennent à un seul et même Office extra-Européen qui a déclaré accepter ce mode d'expédition, la taxe du*

télégramme jusqu'au bureau le plus éloigné n'est perçue qu'une fois, et on y ajoute un demi-franc par mot pour chaque expédition en plus.

3. Les télégrammes adressés, dans une même localité, à plusieurs destinataires, ou à un même destinataire à plusieurs domiciles, avec ou sans réexpédition par la poste, sont taxés comme un seul télégramme ; mais il est perçu, à titre de droit de copie, autant de fois un demi-franc *par télégramme simple* qu'il y a de destinations, moins une.

4. En transmettant un télégramme adressé *dans une même localité ou dans des localités différentes mais desservies par un même bureau télégraphique, à plusieurs destinataires ou à un même destinataire à plusieurs domiciles, avec ou sans réexpédition par la poste ou par exprès, il faut indiquer dans le préambule le nombre des adresses.*

5. Dans les deux premiers cas prévus par le paragraphe 1 du présent Article, chaque exemplaire du télégramme ne doit porter que l'adresse qui lui est propre, à moins que l'expéditeur n'ait demandé le contraire.

6. Cette indication doit entrer dans le corps de l'adresse et, par conséquent, dans le nombre des mots taxés. Elle est reproduite dans les indications éventuelles. (Article XXXI, § 1, *h.*)

i. Télégrammes à Destination de Localités non desservies par le Réseau International.

LV.

1. Les télégrammes adressés à des localités non desservies par les télégraphes internationaux peuvent être remis à destination suivant la demande de l'expéditeur, soit par exprès, soit par la poste ; toutefois, l'envoi par exprès ne peut être demandé que pour les États qui, conformément à l'Article IX de la Convention, ont organisé pour la remise des télégrammes un mode de transport plus rapide que la poste et ont notifié aux autres États les dispositions prises à cet égard.

2. L'adresse des télégrammes à transporter au-delà des lignes télégraphiques est formulée ainsi qu'il suit : " Exprès (ou poste), M. Müller, Stéglitz, Berlin ;" le nom du bureau télégraphique d'arrivée étant exprimé le dernier.

LVI.

1. Les frais de transport au-delà des bureaux télégraphiques, par un moyen plus rapide que la poste, dans les États où un service de cette nature est organisé, sont perçus sur le destinataire.

2. Toutefois, l'expéditeur d'un télégramme avec accusé de réception peut affranchir ce transport, moyennant le dépôt d'une

somme qui est déterminée par le bureau d'origine, sauf liquidation ultérieure. *L'accusé de réception fait connaître le montant des frais déboursés.*

3. *Il n'est fait exception à cette règle que dans les relations extra-Européennes pour des transports dont l'Office d'arrivée a prévu et notifié les frais, qui sont alors perçus par le bureau d'origine, sans exiger ni accusé de réception ni règlement ultérieur.*

4. *Dans tous les cas prévus par les paragraphes 2 et 3 qui précèdent, les mots "Ex près payé (ou XP)" sont inscrits avant l'adresse et sont taxés.*

LVII.

1. Le bureau télégraphique d'arrivée est en droit d'employer la poste :—

a. À défaut d'indication, dans le télégramme, du moyen de transport à employer ;

b. Lorsque le moyen indiqué diffère du mode adopté et notifié par l'État d'arrivée, conformément à l'Article IX de la Convention ;

c. Lorsqu'il s'agit d'un transport à payer par un destinataire qui aurait refusé antérieurement d'acquitter des frais de même nature. *Dans ce dernier cas le télégramme peut être déposé à la boîte, comme lettre non-affranchie.*

2. Dans tous les cas l'emploi de la poste est obligatoire pour le bureau d'arrivée, lorsqu'il n'use pas d'un moyen plus rapide.

3. Les télégrammes de toute nature qui doivent être transmis à destination par voie postale sont remis à la poste, comme lettres recommandées, par le bureau télégraphique d'arrivée, sans frais pour l'expéditeur, ni pour le destinataire, sauf dans les deux cas suivants.

4. Les correspondances qui doivent traverser la mer, soit par suite d'interruption des lignes télégraphiques sous-marines, soit pour atteindre des pays non reliés au réseau télégraphique des États Contractants, sont soumises à une taxe variable à percevoir par le bureau d'origine. Le montant de cette taxe est fixé par l'Administration qui se charge de l'expédition et notifié à toutes les autres Administrations.

5. Les télégrammes transmis à un bureau télégraphique situé près d'une frontière, pour être expédiés par poste sur le territoire voisin, sont déposés à la boîte comme lettres non-affranchies, et le port est à la charge du destinataire.

6. Toutefois, si la communication télégraphique franchissant la frontière est matériellement interrompue, il est procédé conformément à l'Article XXXVII.

7. Lorsqu'un télégramme à expédier par lettre recommandée ne peut être soumis immédiatement à la formalité de la recommandation tout en pouvant profiter d'un départ postal, il est mis d'abord à la

poste par lettre ordinaire; une ampliation est adressée par lettre *recommandée* aussitôt qu'il est possible.

k. Télégrammes Sémaphoriques.

LVIII.

1. Les télégrammes sémaphoriques sont les télégrammes échangés avec les navires en mer par l'intermédiaire des sémaphores établis ou à établir sur le littoral de l'un quelconque des États Contractants.

2. Ils doivent être rédigés, soit dans la langue du pays où est situé le sémaphore chargé de les signaler, soit en signaux du code commercial universel. *Dans ce dernier cas, ils sont considérés comme des télégrammes chiffrés.*

3. Quand ils sont à destination des navires en mer, l'adresse doit comprendre, outre les indications ordinaires, le nom ou le numéro officiel du bâtiment destinataire et sa nationalité.

4. Pour les télégrammes d'État sémaphoriques expédiés d'un navire en mer, le sceau est remplacé par le signe distinctif du commandement. Le nom du bâtiment doit être désigné.

5. La taxe des télégrammes à échanger avec les navires en mer, par l'intermédiaire des sémaphores, est fixée à 2 francs par télégramme simple. Cette taxe s'ajoute au prix du parcours électrique calculé d'après les règles générales. La totalité est perçue sur l'expéditeur pour les télégrammes adressés aux navires en mer et sur le destinataire pour les télégrammes provenant des bâtiments (Article XXIV, § 1). *Dans ce dernier cas, si le télégramme ne peut être remis, l'Office d'arrivée est remboursé du montant des taxes dues, moyennant bulletin de remboursement.*

LIX.

1. Les télégrammes provenant d'un navire en mer sont transmis à destination en signaux du code commercial, lorsque le navire expéditeur l'a demandé.

2. Dans le cas où cette demande n'a pas été faite, ils sont traduits en langage ordinaire par le préposé du poste sémaphorique et transmis à destination.

3. Les télégrammes qui dans les 30 jours du dépôt n'ont pu être signalés par les postes sémaphoriques aux bâtiments destinataires sont mis au rebut.

4. Dans le cas où le bâtiment auquel est destiné un télégramme sémaphorique n'est pas arrivé dans le terme de 28 jours, le sémaphore en donne avis à l'expéditeur le 29^e jour au matin. L'expéditeur a la faculté, en acquittant le prix d'un télégramme terrestre spécial, de demander que le sémaphore continue à présenter son télégramme pendant une nouvelle période de 30 jours, et ainsi de

suite ; à défaut de cette demande, le télégramme sera mis au rebut le 30^e jour.

1. Dispositions Générales applicables aux Télégrammes Spéciaux.

LX.

Dans l'application des Articles précédents on combinera les facilités données au public *pour les télégrammes urgents*, les réponses payées, les télégrammes collationnés, *les accusés de réception*, *les télégrammes recommandés*, les télégrammes à faire suivre, les télégrammes multiples et les télégrammes à remettre au-delà des lignes, *en se conformant aux prescriptions des paragraphes 4 et 5 de l'Article VIII, et du paragraphe 2 de l'Article XX.*

10. *Télégrammes de Service.*

Article V de la Convention.

Les télégrammes sont classés en 3 catégories :

1. Télégrammes d'État : ceux qui, &c.
2. Télégrammes de service : ceux qui émanent des Administrations Télégraphiques des États Contractants et qui sont relatifs soit au service de la Télégraphie Internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations.

• . . .

Article XI de la Convention.

Les télégrammes relatifs au service des Télégraphes Internationaux des États Contractants sont transmis en franchise sur tout le réseau des dits États.

LXI.

1. Les télégrammes de service se distinguent en télégrammes de service gratuits et en télégrammes de service taxés.

2. Les télégrammes de service de toute nature jouissent, dans la transmission, de la priorité sur les télégrammes privés (Article XXVII). Il en est de même des accusés de réception (Article L, § 2).

LXII.

1. Les télégrammes de service gratuits se distinguent eux-mêmes en télégrammes de service proprement dits dont la forme est donnée par le paragraphe 1 de l'Article XII, et en avis de service dont il est traité au paragraphe 2 du même Article.

2. Les télégrammes de service gratuits doivent être limités aux cas qui présentent un caractère d'urgence (Article XVI, §§ 1 et 2).

3. Ils peuvent être émis en langage secret dans toutes les relations (Article VI de la Convention), et doivent, en règle générale, être rédigés en Français (Article VI, § 3).

LXIII.

1. Les avis de service sont échangés, de bureau à bureau, toutes les fois que les incidents de la transmission le nécessitent, notamment lorsque les indications de service d'un télégramme déjà transmis ne sont pas régulières (Article XXX, § 4), lors de rectifications ou de renseignements relatifs à des télégrammes d'une série précédemment transmise (Article XXXV, §§ 1 et 2), en cas d'interruption dans les communications télégraphiques, lorsque les télégrammes ont été adressés par poste à un bureau télégraphique (Article XXXVIII), lorsqu'un télégramme ne peut pas être remis au destinataire (Article XLII), lorsque le bâtiment auquel est destiné un télégramme sémaphorique n'est pas arrivé dans le terme de 28 jours (Article LIX, § 4).

2. Les avis de service relatifs à un télégramme précédemment transmis sont dirigés, autant que possible, sur les bureaux par où le télégramme primitif a transité. Ces avis doivent reproduire toutes les indications propres à faciliter les recherches des télégrammes primitifs, telles que la date de l'expédition, l'adresse et la signature de ces télégrammes.

3. Lorsque les bureaux de passage ont tous les éléments nécessaires pour donner suite aux avis de service, ils prennent les mesures propres à en éviter une réexpédition inutile.

LXIV.

1. Les télégrammes prévus à l'Article XVII du présent Règlement sont *échangés entre deux bureaux télégraphiques*. Ils ont la forme suivante :—“ Paris de Berlin.—No. mots. date service taxé,” *et ne portent ni adresse ni signature. Ils prennent rang parmi les télégrammes de la catégorie à laquelle appartiennent les télégrammes primitifs.*

2. Le destinataire d'un télégramme peut demander, dans le délai de 24 heures qui suit la remise à destination du télégramme, la rectification des passages qui lui paraissent douteux. La même faculté est accordée à l'expéditeur dans le délai de 3 fois 24 heures qui suit le départ du télégramme. On percevra alors :

a. S'il s'agit du destinataire : 1, le prix du télégramme *de la demande* ; 2, le prix d'un télégramme calculé suivant la longueur du passage à répéter ;

b. S'il s'agit de l'expéditeur, le prix du télégramme *et celui de la réponse, si elle est demandée.*

3. Ces taxes sont remboursées, *à la suite d'une réclamation instruite dans la forme ordinaire, s'il en résulte que, le télégramme étant collationné, le service télégraphique en a dénaturé le sens.* Aucun remboursement n'est dû pour le télégramme rectifié.

4. *Le bureau télégraphique qui reçoit un télégramme par lequel on lui donne la répétition de quelques passages ou le complément de l'adresse, ou par lequel on lui demande l'annulation ou l'heure de la remise d'un télégramme reçu ou d'autres communications semblables, se borne à donner suite à la communication, sauf à en informer l'expéditeur, si celui-ci a acquitté le prix d'une réponse télégraphique. Dans les cas douteux, l'expéditeur doit toujours faire connaître quels sont les renseignements qu'il désire recevoir par télégraphe.*

5. Les sommes encaissées pour télégrammes de service taxés et les réponses y relatives *figurent dans les comptes internationaux, conformément aux règles de l'Article LXXI ci-après.*

11. Archives.

LXV.

1. Les originaux et les copies des télégrammes, les bandes de signaux ou pièces analogues, sont conservés au moins pendant 6 mois, à compter de leur date, avec toutes les précautions nécessaires au point de vue du secret.

2. Ce délai est porté à 18 mois pour les télégrammes *extra-Européens.*

LXVI.

1. Les originaux et les copies des télégrammes ne peuvent être communiqués qu'à l'expéditeur ou au destinataire, après constatation de son identité, *ou bien au fondé de pouvoir de l'un d'eux.*

2. L'expéditeur et le destinataire *d'un télégramme ou leur fondé de pouvoir* ont le droit de se faire délivrer des copies certifiées conformes *de ce télégramme ou de la copie remise à l'arrivée, si cette copie a été conservée par l'Office de destination. Ce droit expire après le délai fixé pour la conservation des archives.*

3. Il est perçu, pour toute copie délivrée conformément au présent Article, un droit fixe d'un demi-franc par *télégramme ne dépassant pas 100 mots. Au-delà de 100 mots ce droit est augmenté d'un demi-franc par série ou fraction de série de 100 mots.*

4. Les Administrations Télégraphiques ne sont tenues de donner communication ou copie des pièces désignées ci-dessus, que si les expéditeurs, les destinataires, *ou leurs ayants-droit* fournissent la date exacte des télégrammes auxquels se rapportent leurs demandes.

12. Détaxes et Remboursements.

LXVII.

1. Est remboursée à l'expéditeur par l'Administration qui l'a perçue, sauf recours contre les autres Administrations, s'il y a lieu :—

a. La taxe intégrale de tout télégramme qui a éprouvé un retard notable, ou qui n'est pas parvenu à destination par le fait du service télégraphique ;

b. La taxe intégrale de tout télégramme collationné qui, par suite d'erreurs de transmission, n'a pu manifestement remplir son objet.

2. En cas d'interruption d'une ligne sous-marine, l'expéditeur de tout télégramme a droit au remboursement de la partie de la taxe afférente au parcours non effectué, déduction faite des frais déboursés, le cas échéant, pour remplacer la voie télégraphique par un mode de transport quelconque.

3. Ces dispositions ne sont pas applicables aux télégrammes empruntant les lignes d'un Office non-adhérent qui refuserait de se soumettre à l'obligation du remboursement.

4. Dans les cas prévus par les paragraphes précédents, le remboursement ne peut s'appliquer qu'aux taxes des télégrammes mêmes qui ont été omis, retardés, ou dénaturés, et non aux correspondances qui auraient été motivées ou rendues inutiles par l'omission, l'erreur, ou le retard.

LXVIII.

1. Toute réclamation en remboursement de taxe doit être formée, sous peine de déchéance, dans les 2 mois de la perception. Ce délai est porté à 6 mois pour les télégrammes *extra-Européens*.

2. Toute réclamation doit être présentée à l'Office d'origine et être accompagnée des pièces probantes, savoir : une déclaration écrite du bureau de destination ou du destinataire, si le télégramme n'est point parvenu, et la copie qui lui a été remise, s'il s'agit d'erreur ou de retard. *Toutefois, la réclamation peut être présentée par le destinataire à l'Office de destination, qui juge s'il doit y donner suite ou la faire présenter à l'Office d'origine.*

3. Lorsqu'une réclamation a été reconnue fondée par les Administrations intéressées, le remboursement est effectué par l'Office d'origine.

4. L'expéditeur qui ne réside pas dans le pays où il a déposé son télégramme peut faire présenter sa réclamation à l'Office d'origine, par l'intermédiaire d'un autre Office. Dans ce cas l'Office qui l'a reçue est, s'il y a lieu, chargé d'effectuer le remboursement.

5. Les réclamations communiquées d'Office à Office sont transmises avec un dossier complet, c'est-à-dire, qu'elles contiennent (en original, en extrait, ou en copie) toutes les pièces ou lettres qui les concernent. *Ces pièces doivent être analysées en Français, lorsqu'elles ne sont pas rédigées dans cette langue ou dans une langue comprise de tous les Offices intéressés.*

6. Les réclamations ne sont point transmises d'Office à Office ;

a. Lorsque le fait signalé ne donne point droit au remboursement.

b. Lorsqu'il s'agit d'un télégramme qui, n'étant pas conforme aux conditions réglementaires imposées au public, en ce qui concerne la rédaction, la langue, la clarté de l'écriture, l'adresse et les indications relatives au transport au-delà des lignes, etc., est accepté aux risques et périls des intéressés.

LXIX.

1. Pour tout télégramme non remis à destination, le remboursement est supporté par les offices sur les lignes desquels ont été commises les irrégularités qui ont empêché le télégramme de parvenir au destinataire.

2. En cas de retard le droit au remboursement est absolu, lorsque le télégramme n'est point arrivé à destination plus tôt qu'il n'y serait parvenu par la poste *ou lorsque le retard dépasse deux fois 24 heures pour un télégramme Européen et 6 fois 24 heures pour un télégramme sortant des limites de l'Europe.*

3. Le remboursement intégral de la taxe est effectué aux frais des Offices par le fait desquels le retard s'est produit et dans la proportion des retards imputables à chaque Office.

4. En cas d'altération d'un télégramme collationné, l'Office d'origine détermine les erreurs qui ont empêché le télégramme de remplir son objet, et la part contributive des diverses Administrations est réglée d'après le nombre des fautes ainsi déterminées, un mot omis ou *ajouté* comptant pour une erreur.

5. La part contributive pour l'altération d'un mot dénaturé successivement sur les lignes de plusieurs Administrations est supportée par la première de ces Administrations.

6. Les erreurs ou omissions sont imputables au bureau qui a transmis, sauf dans les cas suivants :—

a. Lorsque des mots, nombres ou caractères ayant été omis *ou ajoutés*, le bureau qui a reçu n'a pas vérifié le compte des mots ;

b. Lorsque le bureau qui a reçu n'a pas tenu compte de la rectification faite à son collationnement par son correspondant ;

c. Lorsque le bureau qui a reçu *une répétition d'Office* n'a pas rectifié la première transmission d'après *cette répétition* ;

d. Lorsque, à l'appareil *Hughes*, il y a eu un défaut de synchronisme non rectifié ;

e. Lorsque le collationnement payé a été omis ou incomplet.

7. Dans les cas *b* et *c*, l'erreur est imputable au bureau qui a reçu. Dans les cas *a*, *d*, et *e* les deux bureaux sont responsables.

8. *Dans le cas de remboursement partiel d'un télégramme avec une ou plusieurs copies, le quotient obtenu en divisant la taxe totale perçue par le nombre de copies détermine l'indemnité à accorder*

pour chaque copie, le télégramme comptant à cet égard également pour une copie.

9. Lorsque, par suite de l'absence ou de l'insuffisance des documents, le bureau responsable d'une erreur ou omission ne peut être désigné, le remboursement est mis à la charge de l'Administration où la preuve fait défaut.

10. *Lorsqu'une réclamation a été présentée et mise en circulation dans les délais fixés par le paragraphe 1 de l'Article LXVIII, et que la solution n'a point été notifiée dans les délais fixés par l'Article LXV pour la conservation des archives, l'Office qui a reçu la réclamation rembourse la taxe réclamée, et le remboursement est mis à la charge de l'Administration qui a retardé l'instruction.*

11. *Pour les correspondances extra-Européennes le remboursement est supporté par les différentes Administrations d'État ou de Compagnies privées par les lignes desquelles le télégramme a été transmis, chaque Administration abandonnant sa part de taxe.*

LXX.

1. La taxe d'un télégramme arrêté en vertu des Articles VII et VIII de la Convention est remboursée à l'expéditeur, et le remboursement est à la charge de l'Administration qui a arrêté le télégramme.

2. Toutefois, lorsque cette Administration a notifié, conformément à l'Article VIII, la suspension de certaines correspondances déterminées, le remboursement des taxes des télégrammes de cette catégorie qui seraient arrêtés ultérieurement doit être supporté par l'Office d'origine, à partir de la date à laquelle la notification lui est parvenue.

13. Comptabilité.

Article XII de la Convention.

Les Hautes Parties Contractantes se doivent réciproquement compte des taxes perçues par chacune d'elles.

LXXI.

1. Le franc sert d'unité monétaire dans l'établissement des comptes internationaux.

2. Chaque État crédite l'État limitrophe du montant des taxes de tous les télégrammes qu'il lui a transmis, calculées depuis la frontière de ces deux États jusqu'à destination.

3. Par exception à la disposition précédente, l'État qui transmet un télégramme sémaphorique venant de la mer *ou qui réexpédie un télégramme à faire suivre*, débite l'État limitrophe de la part de taxe afférente au parcours entre le point de départ du télégramme sémaphorique *ou le point de départ de la première réexpédition du*

télégramme à faire suivre et la frontière commune des deux États (*Articles LII, § 9, et LVIII, § 5*).

4. Les taxes terminales peuvent être liquidées directement entre États extrêmes, après une entente entre ces États et les États intermédiaires.

5. Les taxes peuvent être réglées de commun accord, d'après le nombre des télégrammes qui ont franchi la frontière, abstraction faite du nombre des mots et des frais accessoires. Dans ce cas, les parts de l'État limitrophe et de chacun des États suivants, s'il y a lieu, sont déterminées par des moyennes établies contradictoirement (*Article LXXIII, § 3*).

6. Dans le cas d'application de l'Article LXXXIV, l'Administration Contractante en relation directe avec l'Office non adhérent est chargée de régler les comptes entre cet Office et les autres Offices Contractants auxquels elle a servi d'intermédiaire pour la transmission.

LXXII.

1. Les taxes afférentes aux droits de copie et de transport au-delà des lignes sont dévolues à l'État qui a délivré les copies ou effectué le transport.

2. Les taxes perçues d'avance pour réponses payées et accusés de réception sont acquises à l'Office destinataire, soit dans les comptes, soit dans l'établissement des moyennes mentionnées au paragraphe 5 de l'Article précédent.

3. Les réponses et les accusés de réception sont traités, dans la transmission et dans les comptes, comme des télégrammes ordinaires.

4. Lorsqu'un télégramme, quel qu'il soit, a été transmis par une voie différente de celle qui a servi de base à la taxe, la différence de taxe est supportée par l'Office qui a détourné le télégramme, *sauf recours contre l'Office à qui ce détournement est imputable*.

LXXIII.

1. La taxe qui sert de base à la répartition entre États et, le cas échéant, à la détermination des moyennes mentionnées au paragraphe 5 de l'Article LXXI, est celle qui résulte de l'application régulière des tarifs, sans qu'il soit tenu compte des erreurs de taxation qui ont pu se produire.

2. Toutefois, le nombre des mots annoncé par le bureau d'origine sert de base à l'application de la taxe, sauf le cas où il aurait été rectifié d'un commun accord avec le bureau correspondant.

3. Pour déterminer les taxes moyennes on dresse un compte mensuel comprenant, par télégramme traité individuellement, toutes les taxes accessoires de quelque nature qu'elles soient

(Article LXXII). La part totale, calculée pour chaque État pendant le mois entier, est divisée par le nombre des télégrammes; le quotient constitue la taxe moyenne applicable à chaque télégramme dans les comptes ultérieurs jusqu'à révision. Cette révision, *sauf circonstances exceptionnelles, ne doit pas être faite avant une année.*

LXXIV.

1. Le règlement réciproque des comptes a lieu à l'expiration de chaque mois.

2. Le décompte et la liquidation du solde se font à la fin de chaque trimestre.

3. Le solde résultant de la liquidation est payé à l'État créancier en francs effectifs, *à moins que les deux Administrations en cause ne se soient entendues pour l'emploi d'une autre monnaie.*

LXXV.

1. L'échange des comptes mensuels a lieu avant l'expiration du trimestre qui suit le mois auquel ils se rapportent.

2. La révision de ces comptes a lieu dans un délai maximum de 6 mois à dater de leur envoi. L'Office qui n'a reçu, dans cet intervalle, aucune observation rectificative considère le compte comme admis de plein droit. Cette disposition est aussi applicable aux observations faites par un Office sur les comptes rédigés par un autre.

3. Les comptes mensuels sont admis sans révision quand la différence des sommes finales établies par les deux Administrations intéressées ne dépasse pas 1 pour cent du débit de l'Administration qui l'a établi. Dans le cas d'une révision commencée, elle doit être arrêtée, lorsque, par suite d'un échange d'observations entre les Offices intéressés, la différence qui a donné lieu à la révision se trouve renfermée dans les limites de 1 pour cent.

4. Il n'est pas admis de réclamation, dans les comptes, au sujet de télégrammes ordinaires ayant plus de 6 mois de date et de télégrammes *extra-Européens* ayant plus de 18 mois de date.

 14. *Réserves.*
Article XVII de la Convention.

Les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers de toute nature sur les points du service qui n'intéressent pas la généralité des États.

LXXVI.

Les points du service sur lesquels porte la réserve prévue à l'Article XVII de la Convention sont notamment :

Le règlement des comptes ;

L'adoption d'appareils ou de vocabulaires spéciaux, entre des points et dans des cas déterminés ;

L'application du système des timbres-télégraphe ;

La transmission des mandats d'argent par le télégraphe ;

La perception des taxes à l'arrivée ;

Le service de la remise des télégrammes à destination ;

La faculté d'appliquer à l'usage de la presse un système d'abonnement à prix réduit, pour l'emploi pendant la nuit, à des heures déterminées, des fils inoccupés, sans préjudice pour le service général ;

L'extension du droit de franchise aux télégrammes de service qui concernent la météorologie et tous autres objets d'intérêt public.

15. *Bureau International. Communications Réciproques.*

Article XIV de la Convention.

Un organe central, placé sous la haute autorité de l'Administration supérieure de l'un des Gouvernements Contractants désigné à cet effet par le Règlement, est chargé de réunir, de coordonner et de publier les renseignements de toute nature relatifs à la télégraphie internationale, d'instruire les demandes de modification aux Tarifs et au Règlement de service, de faire promulguer les changements adoptés, et en général de procéder à toutes les études et d'exécuter tous les travaux dont il serait saisi dans l'intérêt de la télégraphie internationale.

Les frais auxquels donne lieu cette institution sont supportés par toutes les Administrations des États Contractants.

LXXVII.

1. L'organe central prévu par l'Article XIV de la Convention reçoit le titre de Bureau International des Administrations Télégraphiques.

2. L'Administration supérieure de la Confédération Suisse est désignée pour organiser le Bureau International dans les conditions déterminées par les Articles LXXVIII à LXXX suivants.

LXXVIII.

1. Les frais communs du Bureau International des Administrations Télégraphiques ne doivent pas dépasser, par année, la somme de 60,000 francs, non compris les frais spéciaux auxquels donne lieu la réunion d'une Conférence Internationale. Cette somme pourra être augmentée ultérieurement, du consentement de toutes les Parties Contractantes.

2. L'Administration désignée, en vertu de l'Article XIV de la

Convention, pour la direction du Bureau International, en surveille les dépenses, fait les avances nécessaires et établit le compte annuel, qui est communiqué à toutes les autres Administrations intéressées.

3. Pour la répartition des frais, les États Contractants ou adhérents sont divisés en 6 classes, contribuant chacune dans la proportion d'un certain nombre d'unités, savoir :—

1^{re} classe 25 unités.

2^e „ 20 „

3^e „ 15 „

4^e „ 10 „

5^e „ 5 „

6^e „ 3 „

4. Ces coefficients sont multipliés par le nombre d'États de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

5. Les Administrations des États Contractants sont, pour la contribution aux frais, réparties ainsi qu'il suit, dans les 6 classes dont il est fait mention au paragraphe précédent :

1^{re} classe : Allemagne, Autriche-Hongrie, France, Grande-Bretagne, Indes Britanniques, Italie, Russie, Turquie ;

2^e classe : Espagne ;

3^e classe : Belgique, Pays-Bas, Indes Néerlandaises, Roumanie, Suède ;

4^e classe : Danemark, *Égypte*, Norvège, Suisse ;

5^e classe : Grèce, Portugal, Serbie ;

6^e classe : Luxembourg, Perse.

LXXIX.

1. Les Offices des États Contractants se transmettent réciproquement tous les documents relatifs à leur administration intérieure et se communiquent tout perfectionnement qu'ils viendraient à y introduire.

2. En règle générale, le Bureau International sert d'intermédiaire à ces notifications.

3. Les dits Offices envoient par la poste, par lettre affranchie, au Bureau International, la notification de toutes les mesures relatives à la composition et aux changements de tarifs, tant intérieurs qu'internationaux ; à l'ouverture de lignes nouvelles et à la suppression de lignes existantes, en tant que ces lignes intéressent le service international ; enfin aux ouvertures, suppressions et modifications de service des bureaux. Les documents imprimés ou autographiés à ce sujet par les Administrations sont expédiés au Bureau International, soit à la date de leur distribution, soit, au plus tard, le premier jour du mois qui suit cette date.

4. Les dites Administrations lui envoient, en outre, par télégraphe, avis de toutes les interruptions ou rétablissements des communications qui affectent la correspondance internationale.

5. Elles lui font parvenir, au commencement de chaque année et aussi complètement qu'il leur est possible, des tableaux statistiques du mouvement des correspondances, de la situation des lignes, du nombre des bureaux et des appareils, &c. Ces tableaux sont dressés d'après les indications du Bureau International, qui distribue, à cet effet, les formules toutes préparées.

6. Elles adressent également à ce bureau deux exemplaires des publications diverses qu'elles font paraître.

7. Le Bureau International reçoit, en outre, communication de tous les renseignements relatifs aux expériences auxquelles chaque Administration a pu procéder sur les différentes parties du service.

LXXX.

1. Le Bureau International dresse le tarif. Il communique aux Administrations, en temps utile, tous les renseignements y relatifs, en particulier ceux qui sont spécifiés au paragraphe 3 de l'Article précédent. S'il y a urgence, ces communications sont transmises par la voie télégraphique, notamment dans les cas prévus par le paragraphe 4 du même Article. *Dans les notifications relatives aux changements de tarifs, il donne à ses communications la forme voulue pour que ces changements puissent être immédiatement introduits dans le texte des tableaux des taxes annexés à la Convention.*

2. Le Bureau International dresse une statistique générale.

3. Il rédige, à l'aide des documents qui sont mis à sa disposition, un journal télégraphique en langue Française.

4. Il dresse, publie et révisé périodiquement une carte officielle des relations télégraphiques.

5. Il doit, d'ailleurs, se tenir en tout temps à la disposition des Administrations des États Contractants, pour leur fournir, sur les questions qui intéressent la télégraphie internationale, les renseignements spéciaux de tous genres dont elles pourraient avoir besoin.

6. Les documents imprimés par le Bureau International sont distribués aux Administrations des États Contractants dans la proportion du nombre d'unités contributives, d'après l'Article LXXVIII. Les documents supplémentaires que réclameraient ces Administrations sont payés à part d'après leur prix de revient. Il en est de même des documents demandés par les exploitations privées.

7. Les demandes de cette nature doivent être formulées une fois pour toutes, jusqu'à nouvel avis, et de manière à donner au Bureau International le temps de régler le tirage en conséquence.

8. Le Bureau International instruit les demandes de modifications au Tarif et au Règlement prévus par les Articles X et XIII de

la Convention. Après avoir obtenu, dans le premier cas, l'adhésion des Offices *en cause* (Art. X de la Convention) et, dans le second, l'assentiment unanime des Administrations Contractantes, il fait promulguer, en temps utile, les changements adoptés. *Toute modification ne sera exécutoire que deux mois, au moins, après cette notification.*

9. Dans les questions à résoudre par l'assentiment des Administrations Contractantes, celles qui n'ont point fait parvenir leur réponse dans le délai maximum de 4 mois sont considérées comme consentantes.

10. Le Bureau International prépare les travaux des Conférences Télégraphiques. Il pourvoit aux copies et impressions nécessaires, à la rédaction et à la distribution des amendements, procès-verbaux, et autres renseignements.

11. Le directeur de ce bureau assiste aux séances de la Conférence et prend part aux discussions sans voix délibérative.

12. Le Bureau International fait sur sa gestion un rapport annuel qui est communiqué à toutes les Administrations des États Contractants.

13. Sa gestion est également soumise à l'examen et à l'appréciation des Conférences prévues par l'Article XV de la Convention.

16. Conférences.

Article XV de la Convention.

Le Tarif et le Règlement prévus par les Articles X et XIII sont annexés à la présente Convention. Ils ont la même valeur et entrent en vigueur en même temps qu'elle.

Ils seront soumis à des révisions où *tous* les États qui y ont pris part *pourront se faire* représenter.

À cet effet, des Conférences administratives auront lieu *périodiquement*, chaque Conférence fixant elle-même le lieu et l'époque de la réunion suivante.

Article XVI de la Convention.

Ces Conférences sont composées des délégués représentant les Administrations des États Contractants.

Dans les délibérations, chaque Administration a droit à une voix, sous réserve, s'il s'agit d'Administrations différentes d'un même Gouvernement, que la demande en ait été faite par voie diplomatique au Gouvernement du pays où doit se réunir la Conférence, avant la date fixée pour son ouverture, et que chacune d'entre elles ait une représentation spéciale et distincte.

Les révisions résultant des délibérations des Conférences ne sont exécutoires qu'après avoir reçu l'approbation de tous les Gouvernements des États Contractants.

LXXXI.

L'époque fixée pour la réunion des Conférences prévues par le paragraphe 3 de l'Article XV de la Convention est avancée, si la demande en est fait par 10 au moins des États Contractants.

17. *Adhésions. Relations avec les Offices non-adhérents.*

Article XVIII de la Convention.

Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique à celui des États Contractants au sein duquel la dernière Conférence aura été tenue et par cet État à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

Article XIX de la Convention.

Les relations télégraphiques avec des États non-adhérents ou avec les exploitations privées sont réglées, dans l'intérêt général du développement progressif des communications, par le Règlement prévu à l'Article XIII de la présente Convention.

LXXXII.

1. Dans le cas des adhésions prévues par l'Article XVIII de la Convention, les Administrations des États Contractants peuvent refuser le bénéfice de leurs tarifs conventionnels aux Offices qui demanderaient à adhérer, sans conformer eux-mêmes leurs tarifs à ceux des États intéressés.

2. *Les Offices qui ont, en dehors de l'Europe, des lignes pour lesquelles ils ont adhéré à la Convention, déclarent quel est, du régime Européen ou extra-Européen, celui qu'ils entendent leur appliquer. Cette déclaration résulte de l'inscription dans les tableaux des taxes ou est notifiée ultérieurement par l'intermédiaire du Bureau International.*

LXXXIII.

1. Les exploitations télégraphiques privées, qui fonctionnent dans les limites d'un ou de plusieurs États Contractants avec participation au service international, sont considérées, au point de vue de ce service, comme faisant partie intégrante du réseau télégraphique de ces États.

2. Les autres exploitations télégraphiques privées sont admises aux avantages stipulés par la Convention, moyennant accession à toutes ses clauses obligatoires et sur la notification de l'État qui a concédé ou autorisé l'exploitation. Cette notification a lieu conformément au second paragraphe de l'Article XVIII de la Convention.

3. Cette accession doit être imposée aux exploitations qui relient entre eux deux ou plusieurs des États Contractants, pour autant qu'elles soient engagées par leur contrat de concession à se soumettre, sous ce rapport, aux obligations prescrites par l'État qui a accordé la concession.

4. La réserve qui fait l'objet du *paragraphe premier* de l'Article précédent est applicable aussi aux exploitations susmentionnées.

LXXXIV.

1. Lorsque des relations télégraphiques sont ouvertes avec des États non-adhérents, ou avec des exploitations privées qui n'auraient point accédé aux dispositions obligatoires du présent Règlement, ces dispositions sont invariablement appliquées aux correspondances dans la partie de leur parcours qui emprunte le territoire des États Contractants ou adhérents.

2. Les Administrations intéressées fixent la taxe applicable à cette partie du parcours. Cette taxe, déterminée dans les limites de l'Article XIV, est ajoutée à celle des Offices non-participants.

Fait à St. Pétersbourg, le $\frac{7}{19}$ Juillet, 1875.

C. DE LÜDERS, *Conseiller Privé, Directeur-Général des Télégraphes Russes.*

R. SCHEFFLER, *Conseiller à la Direction Générale des Télégraphes de l'Empire d'Allemagne.*

BRUNNER DE WATTENWYL, *Conseiller Aulique à Vienne.*

L. KOLLER DE GRANZOW, *Conseiller au Ministère du Commerce de Hongrie.*

VINCHENT, *Inspecteur-Général au Département des Travaux Publics de Belgique.*

FABER, *Conseiller d'État, Directeur des Télégraphes du Danemark.*

BETTS-BEY, *Inspecteur-Général des Chemins de Fer Égyptiens.*

SULEIMAN-EFFENDI, *Ingénieur du Télégraphe.*

L. M. DE TORNOS, *Directeur de Section du Corps des Télégraphes d'Espagne.*

AILHAUD, *Inspecteur-Général des Lignes Télégraphiques de France.*

H. C. FISCHER, ALAN E. CHAMBRE, *Délégués de la Grande-Bretagne.*

D. ROBINSON, *Colonel R.E., Director-General Indian Telegraphs.*

J. U. BATEMAN-CHAMPAIN, *Major R.E., Director-in-Chief Gov. Indo-Europ. Telegraphs.*

S. MARCORAN, *Chargé d'Affaires de Grèce.*

L. AMICO, *Directeur-Général des Télégraphes Italiens.*

NIELSEN, *Directeur en Chef des Télégraphes Norvégiens.*

STARING, *Chef de la Division des Télégraphes au Ministère des Finances des Pays-Bas.*

C. DE LÜDERS, *Délégué de la Perse.*

VALENTINI DO REGO, *Directeur des Télégraphes et des Phares du Portugal.*

D. NORDLANDER, *Directeur-Général des Télégraphes de Suède.*

LE COLONEL FÉDÉRAL HAMMER, *Ministre de la Confédération Suisse.*

A. FREY, *Directeur des Télégraphes Suisses.*

DIMITRAKY-EFFENDI, *Fonctionnaire Supérieur de l'Administration Générale des Télégraphes et Postes de l'Empire Ottoman.*

TABLEAUX des Taxes fixées pour servir à la Formation des Tarifs Internationaux en exécution des Articles XV de la Convention et XIV du Règlement.

1. Régime Européen.

A. Taxes terminales.

(La taxe terminale est celle qui revient à chaque État pour les correspondances en provenance ou à destination de ses bureaux.)

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|-----------|--|
| | | Frs. cts. | |
| Allemagne | 1. Pour les correspondances échangées avec l'Italie et pour toutes les correspondances échangées par l'intermédiaire de l'Autriche-Hongrie, avec les pays Européens et avec l'Algérie, la Tunisie, la Russie d'Asie, et la Turquie d'Asie | 2 00 | Taxe commune avec les Pays-Bas pour les correspondances transitant par cet État. |
| | 2. Pour toutes les autres correspondances.. | 3 00 | |
| | <i>Taxe de la Compagnie de Hélioland :</i> Pour toutes les correspondances | 2 50 | |
| Autriche-Hongrie. | 1. Pour les correspondances échangées avec la Belgique et les Pays-Bas | 2 00 | A ajouter à la taxe terminale de l'Autriche-Hongrie. |
| | 2. Pour les correspondances échangées avec la Suède, la Norvège, le Danemark, l'Allemagne, le Luxembourg, la Grande-Bretagne et l'Irlande, le Portugal, l'Espagne, la Suisse, l'Italie, la France, l'Algérie, et la Tunisie | 2 50 | |
| | Pour toutes les autres correspondances .. | 3 00 | |
| | <i>Taxe supplémentaire pour le Monténégro..</i> | 0 50 | |
| | Pour toutes les correspondances | 1 00 | |
| Belgique . Danemark | 1. À partir de la frontière Allemande, de la côte Suédoise, ou du point d'atterrisse- | | |

| Désignation des États. | Indication des Correspondances. | Taxe. | | Observations. |
|-----------------------------|---|-----------|---|--|
| | | Frs. | cts. | |
| | ment en Danemark du câble Dano-Anglais | 1 | 00 | } Taxes communes avec la Grande Compagnie des Télégraphes du Nord. |
| | 2. À partir de la côte de France .. | 3 | 50 | |
| | 3. À partir de la côte de Norvège .. | 2 | 00 | |
| | 4. À partir de la côte de Russie .. | 3 | 00 | |
| Espagne .. | Pour toutes les correspondances .. | 2 | 50 | |
| France .. | 1. Pour les correspondances échangées avec le Portugal et les Pays-Bas .. | 2 | 00 | |
| | 2. Pour toutes les autres .. | 3 | 00 | |
| | <i>Taxes de la Compagnie du Câble de Coutances à Jersey :</i> | | | |
| | Pour toutes les correspondances .. | 3 | 00 | |
| | Pour toutes les correspondances .. | 2 | 00 | |
| France (Algérie et Tunisie) | | | | |
| | Entre les côtes du Continent et | | | |
| | | Londres. | les autres bureaux de la Grande Bretagne et de l'Irlande (y compris les Iles de la Manche par la voie de la Grande-Bretagne). | |
| Grande Bretagne et Irlande. | Pour toutes les correspondances échangées par les voies suivantes : | | | |
| | | Frs. cts. | Frs. cts. | |
| | 1. Allemagne | 4 | 00 | Ces deux taxes sont réduites uniformément à 2 f. 50 c. pour les correspondances du Danemark, et à 3 f. 50 c. pour les correspondances de la Suède. |
| | 2. Belgique | 3 | 00 | La taxe de Londres est réduite de 1 franc pour les correspondances de la Russie. |
| | 3. Danemark | 5 | 00 | |
| | 4. Espagne | 7 | 50 | Par le câble de la Compagnie Direct Spanish. |
| | 5. France | 3 | 00 | La taxe de Londres est réduite de 1 franc pour les correspondances de la Russie. |
| | 6. Norvège | 4 | 50 | |
| | 7. Pays-Bas | 4 | 00 | Ces deux taxes sont réduites à 3 f. 50 c. et 4 f. 50 c. pour les |

| Désigna- tion des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------|--|-----------|---|
| | | Frs. cts. | |
| | <i>Taxe de Gibraltar :</i> Pour toutes les correspondances échangées avec Gibraltar par la voie de l'Espagne | 1 00 | correspondances de la Russie, et uniformément à 3 fr. pour les correspondances de la Suède. |
| Grèce .. | 1. À partir de Volo : | | |
| | a. Pour la Grèce Continentale | 1 00 | |
| | b. Pour les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia .. | 2 50 | |
| | c. Pour les Iles d'Andros, Tinos, et Kythnos | 3 00 | |
| | d. Pour les Iles de Corfou et de Syra .. | 4 00 | |
| | 2. À partir de Corfou : | | |
| | a. Pour la Grèce Continentale et pour les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia | 4 00 | |
| | b. Pour les Iles d'Andros, Tinos, et Kythnos | 6 00 | |
| | c. Pour l'île de Syra | 7 00 | |
| | 3. À partir d'Otrante (Voie de Zante) : | | |
| | a. Pour toutes les correspondances échangées avec l'île de Corfou | 3 00 | |
| | b. Pour les correspondances de l'Italie, de la France, de la Suisse, de l'Espagne, du Portugal, de l'Algérie, de la Tunisie, de Malte, et de Gibraltar : | | |
| | 1. Avec la Grèce Continentale | 4 00 | |
| | 2. Avec les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia .. | 5 50 | |
| | 3. Avec les Iles d'Andros, Tinos, et Kythnos | 6 00 | |
| | 4. Avec l'île de Syra | 7 00 | |
| | c. Pour les correspondances de la Grande-Bretagne, de la Belgique, et des Pays-Bas : | | |
| | 1. Avec la Grèce Continentale | 4 50 | |
| | 2. Avec les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia .. | 6 00 | |
| | 3. Avec les Iles d'Andros, Tinos, et Kythnos | 6 50 | |
| | 4. Avec l'île de Syra | 7 50 | |
| | d. Pour les correspondances de tous les autres pays que ceux désignés sous les lettres b et c : | | |
| | 1. Avec la Grèce Continentale et avec les Iles de Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia | 6 00 | |
| | 2. Avec les Iles d'Andros, Tinos, Kythnos, et Syra | 8 00 | |
| | 4. À partir de l'île de Chio ou de la côte de Tschesmé : | | |
| | a. Pour l'île de Syra | 4 00 | |
| | b. Pour la Grèce Continentale et pour les Iles d'Andros, Tinos, et Kythnos .. | 5 00 | |
| | c. Pour les Iles de Corfou, Ste.-Maure, Ithaque, Céphalonie, Zante, Hydra, et Spezzia | 7 00 | |
| | | | Taxes communes entre le Gouvernement Hellénique et la Compagnie des Câbles. |

| Désigna- tion des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------|---|-----------|---------------|
| | | Frs. cts. | |
| Italie .. | 1. Pour les correspondances échangées avec l'Allemagne, la Belgique, la Norvège, les Pays-Bas, et la Suède | 2 00 | |
| | 2. Pour les correspondances échangées avec le Danemark, l'Espagne, la Grèce (y compris les Iles Helléniques, sauf Corfou), le Luxembourg, le Portugal, la Roumanie, et la Serbie | 2 50 | |
| | 3. Pour toutes les autres | 3 00 | |
| | <i>Taxes de la Compagnie dite Mediterranean Extension Telegraph :</i> | | |
| | Pour les correspondances échangées avec les Iles de Malte et de Corfou | 3 00 | |
| Luxembour- bourg | Pour toutes les correspondances | 0 50 | |
| Norvège .. | 1. Pour les correspondances échangées avec l'Italie | 1 00 | |
| | 2. Pour toutes les autres | 1 50 | |
| Pays-Bas .. | 1. Pour les correspondances échangées avec le Danemark, la France, la Norvège, la Suède, et la Suisse, par la voie de l'Allemagne; avec Corfou, la Grèce, la Turquie, et Malte, par la Belgique, la France, et l'Italie; et avec la Suisse ou l'Italie par la Belgique et la France | 0 50 | |
| | 2. Pour toutes les autres | 1 00 | |
| Perse .. | Pour toutes les correspondances | 8 00 | |
| Portugal .. | Pour toutes les correspondances | 1 00 | |
| Roumanie .. | Pour toutes les correspondances | 1 00 | |
| Russie .. | 1. À partir des frontières Européennes, pour toutes les correspondances échangées avec : | | |
| | a. La Russie d'Europe | 5 00 | |
| | b. " du Caucase | 9 00 | |
| | c. " d'Asie, à l'ouest du méridien de Werkne-Oudinsk | 20 00 | |
| | d. " d'Asie, à l'est du méridien de Werkne-Oudinsk | 35 00 | |
| | 2. A partir de la frontière de Poti, pour toutes les correspondances échangées avec : | | |
| | a. La Russie du Caucase | 4 00 | |
| | b. " d'Europe | 9 00 | |
| | c. " d'Asie, à l'ouest du méridien de Werkne-Oudinsk | 24 00 | |
| | d. " d'Asie, à l'est du méridien de Werkne-Oudinsk | 39 00 | |
| Serbie .. | Pour toutes les correspondances | 1 00 | |
| Suède .. | 1. Pour les correspondances échangées avec l'Italie | 2 00 | |
| | 2. Pour toutes les autres | 2 50 | |
| Suisse .. | Pour toutes les correspondances | 1 00 | |
| Turquie .. | 1. À partir des frontières de la Grèce, de la Roumanie, de la Serbie, et de Constantinople (câble d'Odessa) : | | |
| | a. Pour la Turquie d'Europe | 3 00 | |
| | b. " " d'Asie (ports de mer) | 7 00 | |

| Désigna- tion des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------|---|-----------|---------------|
| | | Frs. cts. | |
| Turquie .. | <i>c.</i> Pour la Turquie d'Asie (intérieur) .. | 11 00 | |
| | <i>d.</i> Pour les Iles de Metelin, Chio, Samos, et Rhodes | 9 00 | |
| | <i>e.</i> Pour l'Ile de Chypre | 10 00 | |
| | <i>f.</i> „ de Candie | 11 00 | |
| | 2. À partir des frontières de l'Autriche- Hongrie ou de l'Italie (Vallona) .. | | |
| | <i>a.</i> Pour la Turquie d'Europe | 4 00 | |
| | <i>b.</i> „ „ d'Asie (ports de mer) .. | 8 00 | |
| | <i>c.</i> „ „ d'Asie (intérieure) .. | 12 00 | |
| | <i>d.</i> Pour les Iles de Metelin, Chio, Samos, et Rhodes | 10 00 | |
| | <i>e.</i> Pour l'Ile de Chypre | 11 00 | |
| | <i>f.</i> „ de Candie | 12 00 | |
| | 3. À partir de l'Ile de Chio ou de la fron- tière de Tschesmé : | | |
| | <i>a.</i> Pour les ports de mer de la Turquie d'Europe et de la Turquie d'Asie .. | 3 00 | |
| | <i>b.</i> Pour les Bureaux de l'Intérieur de la Turquie d'Europe et de la Turquie d'Asie | 7 00 | |
| | <i>c.</i> Pour les Iles de Metelin, Samos, et Rhodes | 5 00 | |
| | <i>d.</i> Pour l'Ile de Chypre | 6 00 | |
| | <i>e.</i> „ de Candie | 9 00 | |
| | 4. À partir de la frontière de Rhodes : | | |
| | <i>a.</i> Pour l'Ile de Rhodes | 1 00 | |
| | <i>b.</i> Pour les ports de mer de la Turquie d'Europe et de la Turquie d'Asie .. | 4 00 | |
| | <i>c.</i> Pour les Bureaux de l'Intérieur de la Turquie d'Europe et de la Turquie d'Asie | 8 00 | |
| | <i>d.</i> Pour les Iles de Metelin, Chio, et Samos | 6 00 | |
| | <i>e.</i> Pour l'Ile de Chypre | 7 00 | |
| | <i>f.</i> „ de Candie | 5 00 | |
| | 5. Pour les correspondances avec la Perse, d'une part, et d'autre part : | | |
| | <i>a.</i> La Turquie d'Asie (1 ^{re} région) .. | 9 00 | |
| | <i>b.</i> „ „ (2 ^e région) | 13 50 | |
| | <i>c.</i> „ d'Europe | 17 50 | |
| | <i>d.</i> Les Iles de Metelin, Chio, Samos, et Rhodes | 15 50 | |
| | <i>e.</i> L'Ile de Chypre | 16 50 | |
| | <i>f.</i> „ de Candie | 18 50 | |
| | 6. À partir de la frontière de Poti, pour toutes les correspondances échangées, hors le cas précédent, avec : | | |
| | <i>a.</i> La Turquie d'Asie, dans un rayon de 375 kilom... .. . | 3 00 | |
| | <i>b.</i> La Turquie d'Asie, hors du rayon de 375 kilom. et la Turquie d'Europe (ports de mer) | 5 00 | |
| | <i>c.</i> La Turquie d'Europe (intérieur) .. | 8 00 | |
| | <i>d.</i> Les Iles de Metelin, Chio, Samos, et Rhodes | 7 00 | |
| | <i>e.</i> L'Ile de Chypre | 8 00 | |
| | <i>f.</i> „ de Candie | 9 00 | |

| Désigna- tion des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------|--|-----------|---------------|
| | | Frs. cts. | |
| Turquie .. | 7. Taxe terminale de l'Ile de Candie pour les correspondances arrivant par le câble Zante-Candie | 2 00 | |

B. Taxes de Transit.

(La taxe de transit est celle qui revient à chaque État pour les correspondances qui traversent son territoire.)

| | | |
|-----------------------|---|------|
| Allemagne. | 1. Pour les correspondances échangées entre l'Autriche-Hongrie, la Roumanie, la Serbie, la Turquie, et la Grèce, d'une part, et la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), ainsi qu'entre la Suisse et le Luxembourg | 1 00 |
| | 2. Pour les correspondances des pays Européens, de l'Algérie, de la Tunisie, de la Russie d'Asie, et de la Turquie d'Asie, échangées, par la frontière Austro-Allemande, avec les Pays-Bas, la France, et la Grande-Bretagne | 1 50 |
| | 3. Pour les autres correspondances des pays Européens, de l'Algérie, de la Tunisie, de la Russie d'Asie, et de la Turquie d'Asie, qui franchissent la frontière Austro-Allemande, et pour les correspondances échangées entre la Belgique et la Suisse | 2 00 |
| | 4. Pour les correspondances échangées entre les Pays-Bas, la Belgique, la France, l'Espagne, et le Portugal, d'une part, et le Danemark, la Norvège et la Suède, d'autre part, ainsi qu'entre les Pays-Bas et la Suisse | 2 50 |
| | 5. Pour toutes les autres correspondances.. | 3 00 |
| Autriche - Hongrie | 1. Pour les correspondances entre l'Allemagne et l'Italie | 1 00 |
| | 2. Pour les correspondances des autres pays Européens, et pour celles de l'Algérie, de la Tunisie, de la Russie d'Asie, et de la Turquie d'Asie, qui franchissent la frontière Austro-Allemande, ainsi que pour les correspondances échangées, par la voie de la France et de la Suisse ou de l'Italie, entre la Belgique et la Grande-Bretagne, d'une part, et la Roumanie, la Serbie, la Turquie, et la Grèce, d'autre part | 2 00 |
| | 3. Pour les correspondances échangées entre la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), d'une part, et la Roumanie, la Serbie, la Turquie, la Grèce, et la Russie, d'autre part | 2 50 |
| | 4. Pour toutes les autres correspondances.. | 3 00 |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|--|--|--|
| | | Frs. cts. | |
| Belgique .. | 1. Pour les correspondances échangées, par la voie de France et d'Italie, entre les Pays-Bas, d'une part, et Corfou, la Grèce, la Turquie, et Malte, d'autre part, et pour les correspondances échangées, par la voie de France, entre les Pays-Bas, d'une part, et la Suisse ou l'Italie, d'autre part | 0 50 | |
| | 2. Pour toutes les autres correspondances.. | 1 00 | |
| Danemark. | Pour les correspondances échangées : 1. Entre la frontière Dano-Allemande, et a. La côte de Suède ou le point d'atterrissement du câble Dano-Anglais .. b. La côte de Norvège c. „ de Russie d. „ de France 2. Entre la côte de France et a. La côte de Suède.. .. . b. „ de Russie c. „ de Norvège 3. Entre la côte de Norvège et la côte de Russie | 1 00 1 00 3 00 3 50 2 50 3 00 4 00 3 50 | Taxes communes entre le Danemark et la Grande Compagnie des Télégraphes du Nord. |
| Espagne .. | 1. Pour les correspondances échangées entre la France et le Portugal.. .. . 2. Pour toutes les autres correspondances.. <i>Taxe de la Compagnie Direct Spanish pour le câble de Barcelone à Marseille :</i> Pour toutes les correspondances | 2 00 2 50 4 00 | |
| France .. | 1. Pour les correspondances échangées : a. Entre la frontière de Belgique et les lignes sous-marines de la Manche .. b. Entre les points d'atterrissement des câbles de Livourne et de Bonifacio, sans emprunter le territoire de la France Continentale 2. Pour les correspondances échangées, par les voies de la Suisse ou de l'Italie et de l'Autriche-Hongrie, entre la Belgique et la Grande-Bretagne, d'une part, et l'Autriche-Hongrie, d'autre part ; pour les correspondances échangées entre la Grande-Bretagne, la Belgique, et les Pays-Bas, d'une part, et la Grèce, d'autre part, par la voie d'Otrante-Zante, et pour les correspondances échangées, par la voie de la Belgique et de l'Italie (Vallona), entre la Grande-Bretagne, d'une part, et la Turquie et la Grèce, d'autre part 3. Pour les correspondances échangées, savoir : a. Entre l'Italie, d'une part, l'Espagne et le Portugal, d'autre part b. Par les voies de la Suisse ou de l'Italie et de l'Autriche-Hongrie, entre la Grande-Bretagne et la Belgique, d'une part, et la Roumanie, la Serbie, la Turquie, et la Grèce, d'autre part | 1 00 1 50 2 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|-------------------------------|---|-----------|---|
| | | Frs. cts. | |
| France .. | c. Entre la Belgique et les Pays-Bas, d'une part, et l'Allemagne, l'Italie, et la Suisse, d'autre part | 2 00 | Y compris le transit éventuel de la Corse. |
| | d. Entre la Grande-Bretagne (voie directe de France), la Belgique, et les Pays-Bas, d'une part, et par la voie de Vallona, la Turquie, et la Grèce, d'autre part | | |
| | 4. Pour les correspondances de l'Allemagne, à l'exception de celles qui passent par la frontière d'Espagne | 2 50 | |
| | 5. Pour toutes les autres correspondances.. | 3 00 | |
| Grande - Bretagne et Irlande. | La taxe de transit s'obtient en faisant l'addition des chiffres indiqués au tableau des taxes terminales pour le parcours jusqu'à Londres, d'une part, et le parcours à partir de Londres, d'autre part | | |
| | Transit de Gibraltar : Pour les correspondances passant d'un des câbles qui aboutissent à Gibraltar sur le réseau Espagnol et réciproquement .. | 1 00 | |
| Grèce .. | 1. Entre la frontière de Volo et la frontière : a. De Corfou. | 4 00 | Taxes communes entre le Gouvernement Hellénique et la Compagnie des câbles. |
| | b. D'Otrante (câble de Zante), de Chio, ou Tschesmé | 7 00 | |
| | c. De Candie. | 11 00 | |
| | 2. Entre la frontière de Corfou ou d'Otrante (câble de Zante) et la frontière : a. De Chio ou Tschesmé | 7 00 | |
| | b. De Candie.. . . . | 11 00 | |
| | c. De Rhodes | 16 00 | |
| | 3. Entre la frontière de Chio ou Tschesmé et celle de Candie | 12 00 | |
| | | | |
| Italie .. | 1. Pour les correspondances échangées par les frontières de France et d'Autriche-Hongrie, entre la Belgique, la Grande-Bretagne, la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), d'une part, et la Roumanie, la Serbie, la Turquie, la Grèce, et la Russie, d'autre part | 0 50 | |
| | 2. Pour les correspondances échangées : a. Entre les frontières d'Autriche, de France, et de Suisse | 1 00 | |
| | b. Entre les mêmes frontières et Livourne (pour la Corse) | | |
| | c. Entre Vallona, d'une part, et le point d'atterrissement des câbles d'Otrante-Corfou et d'Otrante Zante, d'autre part, et entre les points d'atterrissement de ces deux derniers câbles.. . . . | 1 00 | |
| | 3. Pour les correspondances échangées entre la France, d'une part, et l'Algérie et la Tunisie, d'autre part (voie de de Malte), ainsi que pour les correspondances échangées, par la voie de Bel- | | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|-----------|---------------|
| | | Frs. cts. | |
| Italie .. | gique, de France, et de Vallona, entre la Grande-Bretagne, d'une part, et la Turquie et la Grèce, d'autre part .. | 2 00 | |
| | 4. Entre les frontières de France et de Turquie (Vallona), pour les correspondances de la Grande-Bretagne (voie directe de France), de la Belgique, et des Pays-Bas, d'une part, avec la Turquie, d'autre part, et pour les correspondances de la Grande-Bretagne avec la Grèce | 2 50 | |
| | 5. Pour toutes les autres correspondances.. | 3 00 | |
| | <i>Taxes de la Compagnie Mediterranean Extension Telegraph :</i> | | |
| | 1. Entre Corfou et le point d'atterrissement du câble à Otrante | 3 00 | |
| | 2. Entre Malte et le point d'atterrissement du câble en Sicile : | | |
| | a. Pour les correspondances échangées entre l'Italie, d'une part, et l'Algérie et la Tunisie, d'autre part | 2 00 | |
| | b. Pour toutes les autres correspondances.. | 3 00 | |
| Luxembourgeois | Pour toutes les correspondances | 0 50 | |
| Norvège .. | 1. Pour les correspondances entre le Danemark et la Suède.. .. . | 1 00 | |
| | 2. Pour toutes les autres correspondances.. | 1 50 | |
| Pays-Bas.. | 1. Pour les correspondances échangées entre la Grande Bretagne et la Russie.. | 0 50 | |
| | 2. Pour toutes les autres correspondances.. | 1 00 | |
| Perse .. | Pour toutes les correspondances entre les frontières de Turquie et de Russie .. | 14 00 | |
| Portugal.. | 1. Pour les correspondances de l'Espagne avec les Iles Britanniques, et pour les correspondances passant d'un des câbles de la Compagnie Eastern au câble Brésilien | 1 00 | |
| | 2. Pour toutes les autres correspondances.. | 1 50 | |
| Roumanie. | Pour toutes les correspondances | 1 00 | |
| Russie .. | 1. Pour les correspondances transitant par la Russie d'Europe | 5 00 | |
| | 2. Pour les correspondances échangées entre les frontières Européennes et celles de la Perse ou de la Turquie d'Asie | 9 00 | |
| | 3. Pour les correspondances échangées entre les frontières de la Turquie d'Asie et celle de la Perse | 4 00 | |
| | <i>Taxe de la Compagnie Black Sea Telegraph :</i> | | |
| | Pour toutes les correspondances | 6 00 | |
| Serbie .. | Pour toutes les correspondances | 1 00 | |
| Suède .. | Pour les correspondances échangées, savoir : | | |
| | 1. Entre la côte Danoise, d'une part, et la frontière Norvégienne, d'autre part, ainsi qu'entre l'Allemagne et le Danemark | 1 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|-----------|---------------|
| | | Frs. cts. | |
| Suède .. | 2. Entre la frontière Allemande et la frontière Norvégienne | 1 50 | |
| | 3. Entre la frontière Russe et les autres frontières | 2 00 | |
| Suisse .. | 1. Pour les correspondances échangées par la voie de la France, entre la Belgique et l'Autriche-Hongrie, ainsi qu'entre la Belgique, la Grande-Bretagne, la France, l'Espagne (voie de France), et le Portugal (voie d'Espagne et de France), d'une part, et la Roumanie, la Serbie, la Turquie, la Grèce, et la Russie, d'autre part | 0 50 | |
| | 2. Pour toutes les autres correspondances.. | 1 00 | |
| Turquie .. | Pour les correspondances transitant : | | |
| | 1. Entre les frontières Européennes .. | 3 00 | |
| | 2. Entre les frontières de Tschesmé ou Chio et de Rhodes, d'une part, et, d'autre part, toutes les frontières Européennes, sauf celle de Constantinople (câble d'Odessa) | 8 00 | |
| | 3. Entre la frontière de Tschesmé ou Chio et celle de Constantinople, et entre la frontière de Tschesmé ou Chio et celle de Rhodes.. .. . | 4 00 | |
| | 4. Entre la frontière de Constantinople et celle de Rhodes | 6 00 | |
| | 5. Entre la frontière de Poti, d'une part, et d'autre part : | | |
| | a. Les frontières de la Roumanie, de la Serbie, et de Constantinople | 11 00 | |
| | b. Les autres frontières Européennes .. | 12 00 | |
| | 6. Entre les frontières de la Turquie d'Asie | 13 50 | |

2. Régime extra-Européen.

Taxes terminales et de transit par mot.

N.B.—Lorsque l'on applique le minimum de 10 mots, la taxe de la dépêche de 10 mots ou moins est égale à 10 fois la taxe fixée par le présent tableau pour chaque mot.

| Désignation des États. | Indication des Correspondances. | Taxes terminales. Frs. cts. | Taxes de transit. Frs. cts. | Observations. |
|--|--|--------------------------------|--------------------------------|---------------|
| Allemagne .. | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| | <i>Taxe de la Compagnie de Heligoland :</i> | | | |
| | Pour toutes les correspondances | 0 20 | 0 20 | |
| Autriche-Hongrie .. | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| | <i>Taxe supplémentaire pour le Monténégro :</i> | | | |
| | Pour toutes les correspondances | 0 05 | | |
| Belgique .. | Pour toutes les correspondances | 0 07½ | 0 07½ | |
| Danemark .. | 1. Pour les correspondances qui n'empruntent que les lignes de l'État | 0 07½ | 0 07½ | |
| | 2. Pour les correspondances transmises par les câbles de la Grande Compagnie des Télégraphes du Nord, sauf les câbles avec l'Angleterre (voir Grande-Bretagne ci-dessous), mais y compris les lignes de l'État | | | |
| | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| Égypte .. | Pour toutes les correspondances | 0 25 | 0 25 | |
| Espagne .. | Pour toutes les correspondances | 0 18¾ | 0 18¾ | |
| | <i>Taxe de la Compagnie Direct Spanish Telegraph :</i> | | | |
| | Pour le câble de Barcelone à Marseille | 0 22½ | 0 30 | |
| France .. | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| | <i>Taxe de la Compagnie du câble de Coutances à Jersey :</i> | | | |
| | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| France (Algérie, Tunisie et Cochinchine) | Pour toutes les correspondances | 0 15 | 0 15 | |

| Désignation des États. | Indication des Correspondances. | Taxes terminales. | | Observations. |
|---|--|-------------------|--|---|
| | | Londres. | Les autres bureaux (v. tabl. précédent). | |
| | | Frs. cts. | Frs. cts. | |
| Grande-Bretagne et Irlande | Pour toutes les correspondances échangées par les voies suivantes avec : | | | La taxe de transit s'obtient en faisant l'addition des taxes terminales de la manière indiquée pour le régime Européen. |
| | 1. Allemagne.. | 0 30 | 0 37½ | Ces taxes sont élevées de 5 centimes pour la correspondance avec les Indes par la voie d'Emden. |
| | 2. Belgique.. | 0 22½ | 0 30 | |
| | 3. Danemark.. | 0 30 | 0 37½ | |
| | 4. Espagne (câble de la Compagnie Direct Spanish) | 0 56¼ | 0 56¼ | |
| | 5. France .. | 0 22½ | 0 30 | |
| | 6. Norvège .. | 0 26¼ | 0 33¾ | |
| | 7. Pays-Bas .. | 0 30 | 0 37½ | |
| | | Taxe terminale. | Taxe de transit. | |
| <i>Taxe de Gibraltar :</i> Pour toutes les correspondances empruntant les lignes Espagnoles .. | | 0 07½ | 0 07½ | |

| Désignation des États. | Indication des Correspondances. | Taxes terminales. | | Taxes de transit. | | Observations. |
|--------------------------------------|--|-------------------|-------------------|-------------------------------------|--|--|
| | | Frs. cts. | Taxes terminales. | Pour les correspondances des Indes. | Pour les correspondances des pays au-delà des Indes. | |
| Grande-Bretagne (Indes Britanniques) | A. Taxes des câbles du Golfe Persique : | | | | | Les taxes terminales des Indes devraient être de 0 f. 65 et de 0 f. 90 ; mais comme ces chiffres élèveraient les totaux à 5 f. 10 et à 5 f. 60, chiffres qui ne se prêteraient pas aux perceptions dans les États qui ont le franc pour unité monétaire, la délégation des Indes a consenti à les réduire pour les correspondances de l'Europe, à 0 f. 55 et 0 f. 80 ; mais elle se réserve de percevoir 2 roupies 8 annas pour 5 f. 50 et 2 roupies 4 annas pour 5 f. |
| | 1. De Fao à Bushire | 0 50 | | 0 45 | 0 30 | |
| | 2. De Fao aux autres bureaux du Golfe Persique | 2 10 | | 2 10 | 1 39 | |
| | 3. Entre Bushire et les autres bureaux du Golfe Persique | 1 60 | | 1 65 | 1 09 | |
| | B. Taxes des Indes proprement dites : | | | | | |
| | 1. Pour les correspondances échangées entre l'Europe et les Indes : | | | | | |
| | a. A l'ouest de Chittagong | 0 55 | | 0 50 | 0 50 | |
| | b. A l'est de Chittagong | 0 80 | | | | |
| | 2. Pour les correspondances échangées entre les pays extra-Européens et les Indes : | | | | | |
| | a. A l'ouest de Chittagong | 0 65 | | 0 50 | 0 50 | |
| | b. A l'est de Chittagong | 0 90 | | | | |
| Grèce | 1. Pour les correspondances qui n'empruntent que les lignes Continentales | | 0 07½ | 0 07½ | 0 07½ | |
| | 2. Pour les correspondances qui empruntent les câbles Grecs et pour toutes les îles de l'Archipel, y compris la taxe de la Grèce | | 0 27½ | 0 27½ | 0 27½ | |

| Désignation des États. | Indication des Correspondances. | Taxes terminales. | Taxes de transit. | Observations. |
|--------------------------------|---|---|--------------------|---------------|
| Italie .. | Pour toutes les correspondances <i>Taxes de la Compagnie Méditerranéenne Extension :</i> Entre Corfou et Otrante Entre Modica et Malte | Frs. cts. 0 22½ | Frs. cts. 0 22½ | |
| Luxembourg .. | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| Norvège .. | Pour toutes les correspondances | 0 22½ | 0 22½ | |
| Pays-Bas.. | Pour toutes les correspondances | 0 05 | 0 05 | |
| Pays-Bas (Indes Néerlandaises) | Pour toutes les correspondances | 0 11½ | 0 11½ | |
| Perse .. | Pour toutes les correspondances | 0 07½ | 0 07½ | |
| | <i>Taxes terminales :</i> 1. Pour les correspondances échangées avec les Indes et les pays au-delà 2. Pour toutes les autres | 1 55 0 60 | | |
| | <i>Taxes de transit :</i> 1. Entre les frontières de Turquie et de Russie 2. Entre les autres frontières pour les correspondances : | .. | 1 00 | |
| | <i>a. Des Indes</i> | .. | 1 07 | |
| | <i>b. Des pays au-delà des Indes</i> | .. | 0 70½ | |
| Portugal .. | Pour toutes les correspondances | 0 07½ | 0 11½ | |
| Roumanie .. | Pour toutes les correspondances | 0 07½ | 0 07½ | |
| Russie. .. | <i>Taxes terminales :</i> 1. Pour les correspondances échangées à partir des frontières Européennes avec : <i>a. La Russie d'Europe</i> <i>b. La Russie du Caucase</i> <i>c. La Russie d'Asie, à l'ouest du méridien de Werne-Oudinsk. ..</i> <i>d. La Russie d'Asie, à l'est du méridien de Werne-Oudinsk ..</i> 2. A partir des frontières de la Perse ou de la Turquie d'Asie, pour les correspondances échangées entre les Indes et les pays au-delà des Indes d'une part, et d'autre part : <i>a. La Russie d'Europe, y inclus le Caucase</i> | 0 37½ 0 67½ 1 50 2 62½ 1 73 | | |

| Désignation des États. | Indication des Correspondances. | Taxes terminales. | | Taxes de transit. | | Observations. |
|------------------------|---|-------------------|------|-------------------|------|---------------|
| | | Frs. | cts. | Frs. | cts. | |
| Russie (suite) | .. | 2 | 73 | | | |
| .. | b. La Russie d'Asie (première et seconde région) | | | | | |
| .. | 3. A partir des mêmes frontières pour toutes les autres correspondances échangées avec : | | | | | |
| .. | a. La Russie du Caucase .. | 0 | 30 | | | |
| .. | b. " d'Europe .. | 0 | 67½ | | | |
| .. | c. " d'Asie (première région) .. | 1 | 80 | | | |
| .. | d. " " (seconde région) .. | 3 | 00 | | | |
| .. | Taxes de transit : | | | | | |
| .. | 1. Entre les frontières Européennes pour toutes les correspondances .. | | | 0 | 37½ | |
| .. | 2. Entre les frontières Européennes, d'une part, et les frontières de la Perse et de la Turquie d'Asie, d'autre part, pour les correspondances échangées avec : | | | | | |
| .. | a. Les Indes .. | | | 1 | 70½ | |
| .. | b. Les pays au-delà des Indes .. | | | 1 | 18 | |
| .. | 3. Entre les mêmes frontières pour toutes les autres correspondances .. | | | 0 | 70 | |
| .. | 4. Entre la frontière de la Turquie d'Asie et celle de la Perse, pour les correspondances échangées avec les Indes et les pays au-delà des Indes .. | | | 1 | 00 | |
| .. | Taxes de la Compagnie Black Sea Telegraph : | | | | | |
| .. | Pour toutes les correspondances .. | | | 0 | 45 | |
| .. | Pour toutes les correspondances .. | 0 | 07½ | 0 | 07½ | |
| .. | Pour toutes les correspondances .. | 0 | 18½ | 0 | 15 | |
| .. | Pour toutes les correspondances .. | 0 | 07½ | 0 | 07½ | |
| .. | Taxes terminales : | | | | | |
| .. | 1. A partir des frontières Européennes, pour toutes les correspondances échangées : | | | | | |
| .. | a. Avec la Turquie d'Europe .. | 0 | 25 | | | |
| .. | b. Avec la Turquie d'Asie (ports de mer) .. | 0 | 50 | | | |
| .. | c. " " (Intérieur et Archipel) .. | 0 | 75 | | | |
| Serbie | .. | | | | | |
| Suède | .. | | | | | |
| Suisse | .. | | | | | |
| Turquie | .. | | | | | |

| Désignation des États. | Indication des Correspondances. | Taxes terminales. | Taxes de transit. | Observations. |
|-----------------------------|---|-------------------|-------------------|---------------|
| Turquie (<i>suite</i>) .. | 2. A partir des frontières de la Turquie d'Asie : | Frs. cts. | Frs. cts. | |
| .. | a. Pour la Turquie d'Asie (première région) .. | 0 50 | | |
| .. | b. " " (seconde région) .. | 0 75 | | |
| .. | c. " d'Europe et l'Archipel de la Turquie .. | 1 00 | | |
| | d'Asie .. | | | |
| | <i>Taxes de transit :</i> | | | |
| | 1. Entre les frontières Européennes .. | .. | 0 25 | |
| | 2. Entre les frontières de la Turquie d'Asie .. | .. | 0 75 | |
| | 3. Entre les frontières de la Turquie d'Europe et celles de la Turquie d'Asie : | | | |
| | a. Pour les correspondances des Indes .. | .. | 1 52½ | |
| | b. " " des pays au-delà des Indes.. | .. | 1 03½ | |
| | c. Pour toutes les autres .. | .. | 1 00 | |
| | Taxes de l'Île de Candie .. | 0 15 | 0 07½ | |

Taxe uniforme pour la Correspondance entre l'Europe et les Indes.

Les taxes des correspondances entre l'Europe (la Turquie et la Russie exceptées) et les Indes sont fixées uniformément aux chiffres ci-après.

| | Ouest de Chittagong. | | Est de Chittagong. | |
|------------------------------|----------------------|------|--------------------|------|
| | Frs. | cts. | Frs. | cts. |
| a. Par la voie de Turquie .. | 5 | 00 | 5 | 25 |
| b. Par la voie de Russie .. | 5 | 50 | 5 | 75 |

Ces taxes sont réparties comme suit :—

| Voie de Turquie : | | | | Voie de Russie : | | | |
|------------------------------------|---|------------|-----------------------------------|------------------------------------|---|------------|-----------------------------------|
| Pour les corre- spondances avec | | | | Pour les corre- spondances avec | | | |
| | | les Indes. | les pays au-delà des Indes. | | | les Indes. | les pays au-delà des Indes. |
| | | Frs. cts. | Frs. cts. | | | Frs. cts. | Frs. cts. |
| Europe | 0 | 82½ | 0 82½ | Europe | 0 | 52½ | 0 52½ |
| Turquie | 1 | 52½ | 1 03½ | Russie | 1 | 70½ | 1 18 |
| Golfe Persique .. | 2 | 10 | 1 39 | Perse | 1 | 07 | 0 70½ |
| Indes | 0 | 55 | 0 50 | Golfe Persique .. | 1 | 65 | 1 09 |
| | | | | Indes | 0 | 55 | 0 50 |
| | | 5 00 | 3 75 | | | 5 50 | 4 00 |

Dans les décomptes avec les offices limitrophes, les États Européens prélèvent ou reçoivent exactement les taxes qui leur sont attribuées par le Tableau 2, Régime extra-Européen. La différence en plus ou en moins qui existerait entre la somme affectée à cette répartition et le chiffre indiqué ci-dessus comme formant la taxe générale de l'Europe, est mise au compte des Offices extra-Européens.

Fait à St. Pétersbourg, le $\frac{7}{19}$ Juillet, 1875.

C. DE LÜDERS.

R. SCHEFFLER.

BRUNNER.

L. DE KOLLER.

VINCHENT.

FABER.

BETTS-BEY.

SULEIMAN-EFFENDI.

DE TORNOS.

AILHAUD.

H. C. FISCHER.

ALAN E. CHAMBRE.

D. ROBINSON.

J. U. BATEMAN-CHAMPAIN.

S. MARCORAN.

AMICO.

C. NIELSEN.

STARING.

C. DE LÜDERS.

V. DO REGO.

D. NORDLANDER.

HAMMER.

A. FREY.

DIMITRAKY.

DECLARATION between Great Britain and Germany, for extending to the whole German Empire the Stipulations contained in Article VI of the Commercial Treaty between Great Britain and the Zollverein of May 30, 1865, for the Protection of Trade Marks.†—Signed at London, April 14, 1875.*

THE Government of Her Britannic Majesty and the Government of His Majesty the German Emperor having thought it expedient that the stipulations existing between Great Britain and the Zollverein for the mutual protection of the marks of goods and the marks of manufacture and trade should be extended so as to comprise the whole territory of the German Empire, the Undersigned, being duly authorized to that effect, have accordingly agreed that the stipulations of Article VI of the Treaty of Commerce of May 30th, 1865, between Great Britain and the Zollverein, which Article is conceived in the following terms:—"With regard to the marks or labels of goods, or of their packages, and also with regard to patterns and marks of manufacture and trade, the subjects of the States of the Zollverein shall enjoy in the United Kingdom of Great Britain and Ireland, and the subjects of Her Britannic Majesty shall enjoy in the States of the Zollverein, the same protection as native subjects;" shall henceforth be applicable to the whole territory of the German Empire.

In witness whereof the Undersigned have signed the present Declaration, and have affixed thereto the seal of their arms.

Done at London, in duplicate, the 14th of April, 1875.

(L.S.) DERBY.

(L.S.) MÜNSTER.

DECLARATION between Great Britain and France, cancelling Section 3 of Article IV of the Copyright Convention‡ between Great Britain and France of November 3, 1851.§—Signed at London, August 11, 1875.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of the French Republic, being desirous to secure more completely in each of the two countries the legal protection of the property in dramatic works, and to prevent the difficulties of interpretation to which

* Vol. LV. Page 34.

‡ Vol. XL. Page 27.

† Signed also in the German language.

§ Signed also in the French language.

proceedings against piracy of works passing for fair imitations or adaptations may give rise, have agreed upon the following provisions:—

Paragraph 3 of Article IV of the Convention of November 3, 1851, for the reciprocal guarantee of the property of literary or artistic works, which is in the following terms, is cancelled:—

“It is understood that the protection stipulated by the present Article is not intended to prohibit fair imitations or adaptations of dramatic works to the stage in England and France respectively, but is only meant to prevent piratical translations.”

Consequently, in deciding questions of piracy of dramatic works the Courts of Justice of the respective countries will apply Article IV of the said Convention of November 3, 1851, as if the above-recited paragraph 3 had not been inserted therein.

The present Declaration shall have the same force and duration as the Convention of November 3, 1851, to which it is annexed.

In witness whereof, the Undersigned, duly authorized for this purpose, have signed the present Declaration, and have affixed thereto the seal of their arms.

Done in duplicate, at London, the 11th day of August, 1875.

(L.S.) DERBY.

(L.S.) D'HARCOURT.

TREATY between Great Britain and Zanzibar, supplementary to the Treaty for the Suppression of the Slave Trade of June 5, 1873.—Signed at London, July 14, 1875.*

HER Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, having concluded a Treaty at Zanzibar, on the 5th June, 1873, corresponding to the 9th of the month of Rabia-el-Akhir, A.H. 1290, for the abolition of the Slave Trade; and whereas doubts have arisen or may arise in regard to the interpretation of that Treaty, Her Britannic Majesty and His Highness the Sultan of Zanzibar have resolved to conclude a further Treaty on this subject, and have for this purpose named as their Plenipotentiaries, that is to say:—

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Honourable Edward Henry, Earl of Derby, Baron Stanley of Bickerstaffe, a Peer and a Baronet of England, Her Majesty's Principal Secretary of State for Foreign Affairs, &c.;

And His Highness the Seyyid Barghash-bin-Said, Sultan of Zanzibar, Nâsir-bin-Saïd-bin-Abdallah ;

Who, after having communicated to each other their respective full powers, have agreed upon and concluded the following Articles :—

ART. I. The presence on board of a vessel of domestic slaves in attendance on or in discharge of the legitimate business of their masters, or of slaves *bonâ fide* employed in the navigation of the vessel, shall in no case of itself justify the seizure and condemnation of the vessel, provided that such slaves are not detained on board against their will. If any such slaves are detained on board against their will they shall be freed, but the vessel shall, nevertheless, not on that account alone be condemned.

II. All vessels found conveying slaves (other than domestic slaves in attendance on or in the discharge of the legitimate business of their masters, or slaves *bonâ fide* employed in the navigation of the vessels) to or from any part of His Highness' dominions, or of any foreign country, whether such slaves be destined for sale or not, shall be deemed guilty of carrying on the Slave Trade, and may be seized by any of Her Majesty's ships of war and condemned by any British Court exercising Admiralty jurisdiction.

III. The present Treaty shall be ratified, and the ratifications shall be exchanged at Zanzibar as soon as possible.*

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their seals.

Done at London, the 14th day of July, in the year of grace 1875.

(L.S.) DERBY.

(L.S.) NASIR-BIN-SAID-ABDALLAH.

This is ratified.

(L.S.) BARGHASH-BIN-SAID.

DECLARATION between Great Britain and Spain, for the Protection of Trade Marks.—Signed at London, December 14, 1875.

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Spain, with a view to the reciprocal protection of the marks of manufacture and trade in the two countries, have agreed as follows :—

* The Sultan of Zanzibar's Ratification is attached to the original Treaty. That of Her Majesty was delivered to the Sultan in Zanzibar, September 20, 1875.

The subjects of each of the Contracting Parties shall have, in the dominions and possessions of the other, the same rights as belong to native subjects in everything relating to property in manufacturing or trade marks, industrial designs or patterns, or manufactures of any kind.

It is understood that any person who desires to obtain the aforesaid protection must fulfil the formalities required by the laws of the respective countries.

In witness whereof the Undersigned have signed the present Declaration, and have affixed thereto the seal of their arms.

Done at London, the 14th day of December, 1875.

(L.S.) DERBY.

(L.S.) MARQUES DE CASA LAIGLESIA.

*DECLARATION between Great Britain and Spain, respecting
Telegraphic Messages between Gibraltar and Spain.*—
Signed at Madrid, December 25, 1875.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of Spain, have come to an agreement for the regulation of the exchange of telegraphic messages between Gibraltar and Spain by the line of telegraph established between Gibraltar and San Roque, and have authorized the Undersigned to make the following Declaration:—

ART. I. There shall be a mutual exchange by telegraph of messages originating in Gibraltar on the one side, and in Spain on the other, between the British Telegraph Office at Gibraltar and the Spanish Telegraph Offices which may be designated by the Spanish Administration.

II. The charge to be levied, whether upon messages originating in Gibraltar addressed to Spain, or upon messages originating in Spain and addressed to Gibraltar, shall be for a single message not exceeding 10 words, 1 peseta and 50 céntimos of a peseta, and an additional 15 céntimos of a peseta shall be paid for every word above 10, no words being allowed free for address and signature. Of this sum two-thirds shall belong to Spain, and the other third to Gibraltar.

III. The accounts to which this telegraphic correspondence will give rise shall be made out in accordance with the provisions of Article XVII of the International Telegraphic Convention of St. Petersburg of 22nd July, 1875,† and of Articles LXXV and LXXVI of the detailed Regulations attached to that Convention,‡

* Signed also in the Spanish language.

† Page 19.

‡ Page 24.

and with the modifications which may be introduced into the said Articles by the periodical revisions which successive Conferences may make of the said Regulations.

IV. This Agreement shall take effect on the 1st January, 1876, and its provisions come into operation on that date.

Done in duplicate in Madrid, the 25th December, 1875.

(L.S.) A. H. LAYARD, *Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary.*

(L.S.) FERD. CALDERON Y COLLANTES, *el Ministro de Estado de Su Magestad el Rey de España.*

AGREEMENT between Great Britain and Greece, relative to Merchant Seamen Deserters.—Signed at Athens, August 17, 1875.*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and the Government of His Majesty the King of the Hellenes, being desirous, for the benefit of the commerce of the two countries, to facilitate the discovery, apprehension, and surrender of seamen who may desert from merchant-vessels of either country, on the basis of a full and entire reciprocity, have agreed as follows:—

It is mutually agreed that if any seamen or apprentices, not being slaves, should desert from any ship belonging to a subject of either of the Contracting Parties, within any port in the territories or in the possessions or colonies of the other Contracting Party, the authorities of such port and territory, possession, or colony, shall be bound to give every assistance in their power for the apprehension and sending on board of such deserters, on application to that effect being made to them by the Consul of the country to which the ship of the deserter may belong, or by the deputy or representative of the Consul.

It is understood that the preceding stipulations shall not apply to subjects of the country where the desertion shall take place.

Each of the two High Contracting Parties reserves to itself the right of terminating this Agreement at any time, on giving to the other a year's notice of its wish to that effect.

The present Agreement shall come into operation as soon as it has received the sanction of the Hellenic Chamber of Deputies.

In witness whereof Her Britannic Majesty's Chargé d'Affaires and His Hellenic Majesty's Minister for Foreign Affairs, being duly

* Signed also in the French language.

authorized by their respective Governments, have signed the present Agreement, and have affixed thereto the seal of their arms.

Done at Athens, in duplicate, on the $\frac{7}{19}$ th day of August, in the year of Our Lord 1875.

(L.S.) EDWARD B. MALET.

(L.S.) CH. TRICOUPI.

GENERAL CONVENTION of Commerce, &c., between Great Britain and Tunis. (Confirmation of Convention of October 10, 1863, respecting Real Property, and of Tunisian Declaration of January 23, 1846,† abolishing Slavery.)—Signed at Tunis, July 19, 1875.‡*

THE Government of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Most Serene Highness Mohammed Essaddock Bey, Lord of the Regency of Tunis, being desirous to maintain and improve the relations of friendship and commerce which have long subsisted between them and between British and Tunisian subjects, have resolved to proceed to a revision and improvement of the Treaties subsisting between the respective countries, in consequence of which the following stipulations have been entered into and concluded between His Most Serene Highness the Bey, and Richard Wood, Esquire, Companion of the Most Honourable Order of the Bath, Her Majesty's Agent and Consul-General, duly authorized to that effect:—

ART. I. Her Majesty the Queen of the United Kingdom of Great Britain and Ireland may appoint, besides her Political Agent, such Consuls, Vice-Consuls, and Consular Agents in the Regency of Tunis as she may deem necessary; and such Consuls, Vice-Consuls, and Consular Agents shall be at liberty to reside in any of the seaports or cities of His Highness the Bey which they or the British Government may choose and find most convenient for the affairs and service of Her Majesty, and for the assistance of her subjects.

II. Every mark of honour and respect shall at all times be paid, and every privilege and immunity allowed, to Her Majesty's Agent and Consul-General, accredited to His Highness the Bey, which is paid or allowed to the Representative of any other nation whatsoever; and respect and honour shall be shown to the British Consuls, Vice-Consuls, and Consular Agents who shall reside in the Regency of Tunis. Their houses and families shall be safe and protected. No one shall interfere with them, or commit any act of oppression

* Vol. LIII. Page 46.

† Vol. XXXV. Page 642.

‡ Signed also in the Arabic language.

or disrespect towards them, either by word or deed; and if any one should do so, the Tunisian authorities shall take immediate measures for the punishment of the offender. The British Consuls, Vice-Consuls, and Consular Agents shall, moreover, continue to enjoy, in the most ample sense, all the privileges and immunities which are now or may be hereafter accorded to the Consuls, Vice-Consuls, and Consular Agents of the most favoured nation.

III. The British Agent and Consul-General shall be at liberty to choose his own interpreters, brokers, guards, and servants, either from among the natives or others. His interpreters, brokers, guards, and servants shall be exempt from the conscription, and from payment of any poll-tax, forced contribution, or other similar or corresponding charge. In like manner, the Consuls, Vice-Consuls, and Consular Agents residing at the Tunisian ports, under the orders of the said Agent and Consul-General, shall be at liberty to choose that is to say, the Consuls, each one interpreter, one broker, two guards, and three servants; the Vice-Consuls and Consular Agents, each one interpreter, one broker, and one guard, and two servants, not being in the military service, who shall likewise be exempt from the conscription, from the payment of any poll-tax, forced contribution, or other similar or corresponding charge. No prohibition nor tax shall be put upon the provisions, furniture, or any other articles which may come to the said Agent and Consul-General, Consuls, or Vice-Consuls, for their own use and for the use of their families, upon their delivering to the Officer of the Customs a note under their hand, specifying the number of articles which they shall require to be passed on that ground, but this privilege shall only be accorded to Consular Officers who are not engaged in trade. If the service of their Sovereign should require their attendance in their own country, no impediment shall be offered to their departure, and no hindrance shall be offered either to themselves or their servants, or in regard to their property, but they shall be at liberty to go and come, respected and honoured. If they should depute another person to act for them in their absence, they shall not be prevented in any way from so doing, nor shall the deputy be prevented from acting in that capacity.

IV. There shall be reciprocal freedom of commerce between the dominions of Her Majesty the Queen and the Regency of Tunis. British merchants, or their agents and brokers, shall be permitted to purchase at all places within the Regency, whether for the purposes of internal trade or of exportation, all articles, without any exception whatsoever, being the produce or manufacture of the said Regency; and the purchaser shall be free to remove his goods, when purchased, from one place to another, without any attempt being made on the part of the Local Governors to interfere with them.

V. In accordance with the friendship which has at all times existed between the two Governments, His Highness the Bey engages to protect British subjects who may come to his country either for the purposes of trade or for travelling. They shall be free to travel or to reside in any part of the Regency without hindrance or molestation; and they shall be treated with respect, love, and honour. They shall be exempt from forced military service, whether by land or by sea, from forced loans, and from every extraordinary contribution. Their dwellings and warehouses destined for the purposes of residence and commerce, as well as their property, both real and personal, of every kind, shall be respected; and, in particular, all the stipulations of the Convention concluded between Her Majesty's Government and His Highness the Bey on the 10th of October, 1863,* relative to the permission granted to British subjects to hold real property in the Regency of Tunis, are hereby confirmed. And British subjects, vessels, commerce, and navigation shall enjoy, without any restriction or diminution, all the privileges, favours, and immunities which are now or may hereafter be granted to the subjects, vessels, commerce, and navigation of any other nation whatever.

Her Britannic Majesty on her part engages to ensure to Tunisian subjects, vessels, commerce, and navigation within her dominions the enjoyment of the same protection and privileges which are or may be enjoyed by the subjects, vessels, commerce, and navigation of the most favoured nation.

VI. The perfect security which His Highness the Bey accords to the British merchants and subjects who may reside in the Regency extends likewise to the free exercise of the rites of their religion. They shall be free to erect churches, upon the application of the British Agent and Consul-General to His Highness the Bey, who will grant the necessary permission. The British Cemetery of Saint George, and other burial places, now or hereafter to be established, shall be protected and respected as heretofore.

VII. His Highness the Bey engages that he will not prohibit the importation into the Regency of any article the produce and manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, and that the duties to be levied upon such articles of produce or manufacture so imported shall in no case exceed one fixed rate of 8 per cent. *ad valorem*, to be calculated upon the value of such merchandize at the place of landing, or a specific duty, fixed by common consent, equivalent thereto.

Such articles, after paying 8 per cent. import duty, shall not be subject to any other internal charge or impost whatsoever, whether the buyer be a Tunisian or a foreigner. And if such articles should not be sold for consumption in the Regency, but should be re-

exported within the space of one year, the Administration of the Customs shall be bound, provided the bales or packages have not been opened, to restore, at the time of their re-exportation, the duty levied to the merchant, who shall be required first to furnish proofs that the goods so exported have paid the said import duty.

After the expiration of one year the merchant shall be free to re-export his foreign goods without claiming the drawback, and the Custom-house shall not levy upon them any duty whatsoever on re-exportation.

Should a British merchant or his agent desire to convey, by sea or by land, from one port or place to another port or place in the Regency of Tunis, goods upon which the *ad valorem* duty above mentioned has been already paid, such goods shall be subject to no further duty, either on their embarkation or disembarkation, provided they be accompanied by a certificate from the Tunisian Administrator of Customs that the duty has been paid.

And it is moreover agreed that no other or higher duties shall be imposed on the importation of any article the produce or manufacture of one of the Contracting Parties into the country of the other which shall not equally extend to the like articles being the produce or manufacture of any other country.

VIII. Vessels navigating under the British flag and vessels navigating under the Tunisian flag shall be free to carry on the coasting trade in the States and Dominions of the Contracting Parties. They shall enjoy the same rights and immunities as are enjoyed by national vessels, and they shall be free either to land a portion of their cargoes, or to embark goods, foreign or native, to complete their cargoes, in each other's ports, without being obliged in each case to procure any special licence from the local authorities, or to pay any charges and dues that are not paid by national vessels.

The stipulations of this Article shall, however, as regards the Colonial coasting trade, be deemed to extend only to the coasting trade of such of the Colonial possessions of Her Britannic Majesty as, under the provisions of the Act relating thereto, may have opened their coasting trade to foreign vessels.

IX. His Highness the Bey formally engages to abolish all monopolies of agricultural produce or of any other article whatsoever, save and except tobacco and salt, and save and except the fisheries, and the tannery of hides of oxen, camels, and horses.

British subjects, however, or their agents, buying or selling salt and tobacco in virtue of licences or permits for consumption in the Regency of Tunis, shall be subject to the same regulations as the most favoured Tunisian subjects trading in the two articles aforesaid; and, furthermore, they shall be free to compete for, obtain, and exercise the right of fishery, subject to the local laws and regulations.

X. If British merchants or their agents in the Regency of Tunis should purchase any article of Tunisian produce or manufacture for internal consumption, the said merchants or their agents shall not pay on the purchase and sale of such articles any higher duties or charges than are paid, under similar circumstances, by the most favoured class of Tunisians or foreigners engaged in the internal trade of the Regency of Tunis. In like manner Tunisian merchants or their agents in the British dominions shall not pay on the purchase and sale of British produce or manufactures, for internal consumption in the said dominions, higher duties or charges than are paid by British subjects or the most favoured foreigners engaged in the internal trade of the said dominions, upon similar articles of produce or manufacture.

XI. If a British merchant or his agent shall purchase for exportation any article of Tunisian produce or manufacture, either at the place where such article is produced or in its transit from that place to another, upon which article of produce or manufacture the internal taxes known by the names of "Ushr," "Kanoon," and "Mahsoulat," and others, have been already levied, such article of produce or manufacture shall be subject at the port of shipment to the payment of the export duty only, and the notarial fees and charges for measurement established by law.

XII. In case of any dispute arising between the Custom-house and a merchant regarding the value to be put upon any merchandize or goods imported by him into the Regency of Tunis, the merchant shall be free to pay the duty in kind, in the most equitable manner.

Should, however, the merchant be unable or unwilling to make use of the above faculty, the Custom-house shall have the right to purchase such merchandize or goods at the price at which the merchant has valued them, with an augmentation of 5 per cent.

But should the foregoing two modes fail to solve the difficulty, His Highness the Bey and Her Majesty's Agent and Consul-General shall each name an arbitrator, being a merchant, and in case of a divergence of opinion, the two arbitrators shall name an umpire, also a merchant, whose decision shall be final.

XIII. With a view to the encouragement of agriculture, His Highness the Bey furthermore engages to permit the importation free of import duty and of every other internal charge, of agricultural implements and machinery, as well as of cattle and animals for the improvement of the native breeds, whenever such agricultural implements, machinery, cattle, and animals are proved to be for private use and not for purposes of trade, in which latter case they shall be subject to the payment of an import duty not exceeding 8 per cent.

XIV. In case the importation of foreign wheat, barley, and
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Indian corn should be rendered necessary in consequence of the failure of the crops, in consequence of famine or other causes, which God forbid, such foreign wheat, barley, and Indian corn shall be as heretofore exempt from the payment of any import duty, and shall be subject only to the payment of 20 karroobs ($7\frac{1}{2}d.$) per kaffis.

With the exception of the above 3 articles, all other foreign provisions, such as rice, lentils, beans, and other pulse known by the appellation of "Hashahesh" (dried vegetables) shall pay an import duty not exceeding 8 per cent., but the importer or his agent shall be free to sell such provisions in retail or in any other manner without the payment of any other charge whatsoever.

XV. It is understood between the Contracting Parties that the Tunisian Government reserves to itself the faculty and right of issuing a general prohibition against the importation into the Regency of gunpowder, unless Her Majesty's Agent and Consul-General shall think fit to apply for a special licence, which licence shall in that case be granted, provided no valid objection thereto can be alleged.

Gunpowder, when allowed to be imported, shall be subject to a duty not exceeding 8 per cent., and shall be liable to the following regulations :—

1. It shall not be sold by subjects of Her Britannic Majesty in quantities exceeding the quantities prescribed by the local regulations.

2. When a cargo or a large quantity of gunpowder arrives in a Tunisian port on board a British vessel, such vessel shall be anchored at a particular spot, to be designated by the local authorities, and the gunpowder shall then be conveyed, under the inspection of such authorities, to depôts or fitting places, designated by the Government, to which the parties interested shall have access under due regulations.

Gunpowder imported in contravention of the prohibition, or in the absence of the licence aforementioned, shall be liable to confiscation, save and except small quantities of gunpowder for sporting reserved for private use, which shall not be subject to the regulations of the present Article.

Cannon, arms of war, or military stores, as well as anchors, masts, and chain cables, shall be imported free of duty, provided they are landed at the opened and recognized ports; provided also that previous to the landing of cannon the permission of the Government is obtained.

XVI. The people of the Contracting Parties shall have the right to establish in each other's country commercial, industrial, and banking companies, co-operative, or mutual or shareholding associations, or any other association, whether between and amongst them-

selves, or between them and Tunisian subjects or subjects of any other Power: provided the object of such companies and associations be lawful, and subject always to the laws of the country in which they shall be established.

It is, however, understood, that no joint stock companies limited, whose capital is made up of nominal shares to bearer, and no anonymous association, shall be established in their respective territories without the authorization of the local Government.

XVII. British subjects and Tunisian subjects shall be free to exercise in each other's country any art, profession, or industry; to establish manufactories and factories, and to introduce steam machinery or machinery moved by any other power, without being subjected to any other formality or to the payment of higher or other taxes and imposts than those prescribed by the laws or municipal regulations, or which are paid by natives.

It is understood that the manufactories and their appurtenances, being immovable property, shall be subject to the provisions of the Convention of the 10th October, 1863, relative to the permission granted to British subjects to hold real property in the Regency of Tunis.

XVIII. No harbour, pilotage, light-house, or quarantine dues, or other local dues, shall be levied upon British vessels which are not imposed upon Tunisian vessels or upon the vessels of the most favoured nation.

If a British vessel should enter a Tunisian port from stress of weather and depart, it shall not be subject to the payment of the aforesaid dues, but shall pay only the fee to the pilot, should a pilot be required. Should such vessel, however, visit a Tunisian port for the purpose of procuring water and of purchasing provisions, it shall pay only a portion, not exceeding half, of the harbour, pilotage, light-house, and quarantine or other local dues payable at the said port.

In like manner Tunisian vessels which shall visit any of the ports of Her Majesty's dominions shall pay only the harbour, quarantine, and other dues which are levied upon British vessels.

XIX. The captains of merchant-vessels having goods on board destined for the Regency of Tunis shall, on their arrival at the port where such goods are to be landed, deposit in the Custom-house of such port true copy of their manifest.

XX. If a British subject be detected in smuggling into the Regency any description of goods, or should be detected in embarking any goods, the produce of Tunis, for which he can exhibit no Custom-house permit, such goods shall be confiscated by the Tunisian Treasury, but a report or *procès-verbal* of the alleged contraband must, as soon as the said goods are seized by the authorities,

be drawn up and communicated to the British Consular authorities, and no goods can be confiscated as contraband unless the fraud with regard to them shall be duly and legally proved.

It is stipulated that vessels navigating under the British flag shall submit to the regulations of the port; that such vessels, speronaras, boats, and the like craft shall not serve as depôts for merchandize; and that whenever their detention in the Tunisian ports shall exceed 8 calendar months, they shall, when required to do so, give satisfactory explanations to the British Consular authority and to the local authorities in regard to the motive of their detention in such ports. Should such explanations be deemed unsatisfactory, the Custom-house may, with the consent of Her Majesty's Agent and Consul-General, place a guard on board for the prevention of fraud, the expenses for such guard being at the charge of the vessel.

XXI. Should British subjects desire to embark in or discharge goods from any vessel, they can employ the Tunisian Custom-house boats, paying the usual charges for the use of such boats. They are free, however, to discharge their merchandize without using the Custom-house boats, in which case they will apprise the Administration of the Customs of it in writing, taking care to mention, on the arrival of each steamer or vessel having goods on board to their consignment, that they will be present themselves, or be represented by their agents, to assist at the discharge of said goods. In case of their absence, however, the Custom-house will proceed to discharge their goods, rendering itself responsible as heretofore, unless in a case of "force majeure." No sort of claim can be preferred by the consignee against the Custom-house on the plea that it had not the right to discharge his goods, seeing that the discharge is made with the sanction of the master of the vessel, and not with that of the Custom-house.

Every consignee who discharges his goods after making the demand in writing will provide himself with a Custom-house officer, who will accompany him to the vessel and return with him to the Custom-house. The fee to the Custom-house officer shall be paid by the merchant.

XXII. Whenever the Tunisian Government shall temporarily prohibit the exportation of wheat, barley, cattle, or any other article of native produce, such prohibition shall not come into operation until 3 months after official notification shall have been given, and shall apply only to the specific article or articles mentioned in the Decree enacting the prohibition.

XXIII. No British subject, or any person under British protection, shall, in the Regency of Tunis, be made liable to pay a debt due from another person of his nation unless he shall have made

himself responsible or guarantee for the debtor by a valid document. Neither shall any British subject be compelled to sell anything to or to buy anything from, a Tunisian without his own free will. The seller shall be obliged to deliver up to the purchaser only that portion of the goods which he voluntarily sold to him, and the purchaser shall have no claim or right upon the remaining portion of such goods or merchandize.

In like manner, no Tunisian subject in the dominions of the Queen of Great Britain shall be made liable to pay a debt due from another person of his nation to a British subject, unless he shall have made himself responsible or guarantee for the debtor by a valid document.

XXIV. In all criminal cases and complaints where the prosecutor and prisoner are British subjects, and in all civil differences, disputes, or litigation which may occur between British subjects exclusively, the Agent and Consul-General, Consul, or other British authority, shall be sole judge or arbiter. No one shall interfere, but they shall be amenable to the British Consular Courts only.

All civil differences, disputes, or litigations between British subjects and the subjects of any foreign country other than Great Britain, shall be decided solely in the Tribunals of the foreign Consuls, according to the usages heretofore established, or which may hereafter be arranged between such Consuls, without the interference of the Tunisian Courts or Government.

XXV. Disputes and differences arising between a British and a Tunisian subject, whether the British subject is plaintiff or defendant, of a commercial and civil nature (criminal and correctional excepted), shall be settled by His Highness the Bey, or his delegate, in the presence and with the concurrence of the British Consul-General or Consul.

It is likewise agreed that, should any new procedure differing from the above be adopted and applied at present, or in future, in the treatment of any other nation, the British subjects, without exception, shall be entitled to the enjoyment thereof, whenever Her Majesty's Government shall request it.

It is, however, understood that, if Mixed Courts should be at any time established in Tunis with the assent and approval of Her Majesty's Government, in that case all civil and commercial suits and disputes arising between British and Tunisian subjects shall be heard and determined by such Mixed Courts and Tribunals, according to the rules and procedure that may be agreed upon between the Contracting Parties.

XXVI. The cognizance of crimes committed by British subjects in the Tunisian territory, as well as all contraventions of the police and other regulations, shall devolve upon the Consul-General or

Consul; and the punishment thereof shall be applied by the said Consul-General or Consul, in concurrence with His Highness the Bey. In case the criminal or offender should escape from the Consular or other prison, the Consul-General or Consul shall not be held responsible in any manner whatsoever.

XXVII. No quittance or receipt presented by a British subject to a Court, purporting to be a discharge of a debt which he has contracted towards a Tunisian subject, shall be held as a legal and a valid discharge, unless he can show that such quittance or receipt is under the handwriting, seal, or signature of the Tunisian subject, or duly executed by native notaries, and attested by the Cadi or the Governor of the place. And in like manner no quittance or receipt presented by a Tunisian subject, purporting to be a discharge of a debt which he has contracted towards a British subject, shall be held as a legal and valid discharge of his debt, unless he can show that such quittance or discharge is under the handwriting, signature, or mark of the British subject, duly attested by the Consul, or unless the discharge is drawn up by two notaries and attested by the British Consul.

XXVIII. Should any Tunisian subject be found guilty before the Tunisian Courts of procuring false evidence to the injury or prejudice of a British subject, he shall be severely punished by the Tunisian Government. In like manner, the competent British Consular authorities shall severely punish, according to English law, any British subject who may be convicted of the same offence against a Tunisian subject.

XXIX. If, at any time, Her Majesty's Agent and Consul-General, Consul, Vice-Consul, or Consular Agent should require the assistance of soldiers, guards, armed boats, or other aid for the purpose of arresting or transporting any British subject, the Tunisian authorities shall immediately comply with the demand, on payment of the usual fees given on such occasions by Tunisian subjects.

XXX. If a ship belonging to the Queen of Great Britain, or to any of her subjects, should be wrecked or stranded on any part of the coast of the Regency of Tunis, the Tunisian authorities within whose jurisdiction the accident may occur shall, in accordance with the rules of friendship, respect her and assist her in all her wants. They shall allow and enable the master to take such steps as he may think necessary or desirable, and shall take immediate steps for the protection of her crew and of her cargo, and of any goods, papers, or other articles which may be saved from her at the time of the wreck or afterwards; and, moreover, they shall lose no time in informing the nearest British authority of the accident. They shall deliver over to him, without exception or loss, all the cargo, goods, papers, and articles which have been saved and preserved from the

wreck, and they shall likewise furnish the master and the crew of the wrecked ship with such victuals and provisions as they may require, for which they shall receive payment. For their friendly aid and services in protecting, saving, preserving, and restoring to the British Consular authorities the goods and contents saved through their exertions from the wrecked vessel, or any portion thereof, they shall be entitled to such an amount of salvage as Her Majesty's Agent and Consul-General and the chief Tunisian authority on the spot shall judge a fair compensation for their services. The master and crew shall be at liberty to proceed to any place they please, and at any time they may think proper, without any hindrance.

In like manner, the ships of His Highness the Bey, or of Tunisian subjects, shall be assisted and protected in the dominions of the Queen of Great Britain as though they were British ships, and shall be subject only to the same lawful charges of salvage to which British ships, under similar circumstances, are liable.

XXXI. Should, however (which God forbid), the crew or any portion of the crew of a wrecked or stranded British vessel be murdered by the natives, or its cargo, or any part of its cargo or contents, be stolen by them, the Tunisian Government binds itself to take the most prompt and energetic measures for seizing the marauders or robbers, in order to proceed to their severe punishment. It, moreover, engages to make the most diligent search for the recovery and restitution of the stolen property; and whatever compensation for the damage done to individuals or to their effects, under similar circumstances, is granted, or may hereafter be granted to the subjects of the most favoured nation, or the equivalent of it, shall be also accorded to the subjects of the Queen of Great Britain.

XXXII. It is agreed and covenanted that if any of the crew of Her Majesty's ships of war or of British merchant-vessels, of whatever nationality they may be, borne on the papers of said ships, shall desert within any port in the Regency of Tunis, the authorities of such port or territory shall be bound to give every assistance in their power for the apprehension of such deserters, on the application of the British authority. In like manner, if any of the crew of the ships of His Highness the Bey, or of Tunisian merchant-vessels, not being slaves, shall desert in any of the ports or harbours, within the dominions of Her Majesty the Queen of Great Britain, the authorities of such ports or harbour shall give every assistance in their power for the apprehension of such deserters on the application of the commanding officer, captain, or any other Tunisian authority, and no person whatsoever shall protect or harbour such deserters.

XXXIII. The ships of war belonging to Her Majesty the Queen,

and the ships belonging to His Highness the Bey, shall have free liberty to use the ports of each country for washing, cleansing, and repairing any of their defects, and to buy for their use any sort of provisions alive or dead, or any other necessaries, at the market price, without paying custom to any officer.

And it is moreover agreed that, whenever any of Her Majesty's ships of war shall arrive in the Bay of Tunis, and shall fire a salute of 21 guns, the Castle of the Goletta, or the Tunisian ships of war, shall return the same number of guns as the Royal salute to Her Majesty's colours, according to ancient usage.

XXXIV. The Government of the Queen of the United Kingdom of Great Britain and Ireland, in consideration of the sincere friendship that has at all times existed between Her Majesty and His Highness the Bey, agrees that Tunisian ships and cargoes shall be received at the ports and harbours of the British dominions upon the same footing as British vessels and cargoes.

XXXV. British vessels arriving in any of the Tunisian ports for the purpose of trade or by reason of stress of weather, or to repair damages, shall not be compelled to discharge their cargoes or any portion of their cargoes, and they shall not be made to change their destination or to receive any passengers on board unless it be with their own free will, but they shall be respected, and they shall be allowed to depart without any hindrance. Should they be compelled to land their cargoes, or a portion thereof, in order to effect repairs, they shall also be permitted to re-embark such goods free of any duty or charge whatsoever.

Tunisian vessels shall receive the like friendly treatment in ports and harbours of the British dominions.

XXXVI. If any British subject should die in any place or territory appertaining to His Highness the Bey, no Governor or other Tunisian officer shall, on any pretence whatsoever, take possession or dispose of, or interfere with the goods and property of the deceased, but such goods and property, of whatever description, may be taken possession of by his heirs, or by the British Consular authority, without any hindrance or impediment whatsoever on the part of such Governor or Tunisian officer.

If, however, a British subject should die at a place where there is no British Consul, or whilst travelling, in such a case the Tunisian authorities of the place where he died shall be bound to preserve and protect his goods and effects: they shall make, with the assistance of notaries, a faithful inventory of them, which inventory they shall lose no time in sending to the nearest Governor of a place where an English Consul resides.

Should the deceased British subject leave behind him debts due from him to a native, the Consul-General or his deputy shall assist

the creditor in the recovery of his claim upon the estate of the deceased; and, likewise, if the deceased should leave behind debts due to him from Tunisians, the Governor, or those who have such power, shall compel the debtors to pay what is due by them to the Consul-General or his deputy, for the benefit of the estate of the deceased.

XXXVII. The British Government and His Highness the Bey, moved by sentiments of humanity and having regard to the free institutions which, under Providence, their respective countries happily enjoy, mutually engage to do all in their power for the suppression of slavery. Whilst, on the one part, the British Government engage not to relax their efforts with friendly Powers for the prevention of the barbarous traffic in human beings, and for the emancipation of slaves, His Highness the Bey especially engages, on the other, to cause the Declaration of Moharem, 1262 (23rd January, 1846),* abolishing for ever slavery in the Regency, to be obeyed and respected, and to use his utmost efforts to discover and punish all persons within his Regency who contravene or act contrary thereto.

XXXVIII. The British Government and His Highness the Bey engage to do all in their power for the suppression of piracy; and His Highness especially engages to use his utmost efforts to discover and punish all persons on his coasts or within his territory who may be guilty of that crime, and to aid the British Government in so doing.

XXXIX. Privateering is now and for ever abolished: His Highness the Bey being desirous to maintain inviolable the neutrality of the Regency of Tunis, it has been established and agreed that, in case of war or hostilities, he shall not permit the enemies of Her Majesty the Queen of Great Britain to fit out privateers in the ports of the Regency, or to sail from them to prey upon the ships and commerce of her subjects; and it is moreover established that His Highness shall not permit or tolerate in the Regency of Tunis the sale of any prize whatsoever which shall have belonged or may belong to the belligerents.

The Queen of Great Britain will cause to be observed the same rules of neutrality towards Tunisian ships and subjects in all the seaports of Her Majesty's dominions.

XL. In order that the two Contracting Parties may have the opportunity of hereafter treating and agreeing upon such other arrangements as may tend still further to the improvement of their mutual intercourse, and to the advancement of the interests of their respective people, it is agreed that at any time after the expiration of 7 years from the date of the present Convention of Commerce and Navigation, either of the High Contracting Parties shall have

the right to call upon the other to enter upon a revision of the same; but until such revision shall have been accomplished by common consent, and a new Convention shall have been concluded and put into operation, the present Convention shall continue and remain in full force and effect.

XLI. If any doubt should arise with regard to the interpretation or the application of any of the stipulations of the present Convention, it is agreed that in Tunis the interpretation the most favourable to British subjects shall be given, and in Her Majesty's dominions that most favourable to Tunisians. It is not pretended by any of the foregoing Articles to stipulate for more than the plain and fair construction of the terms employed, nor to preclude in any manner the Tunisian Government from the exercise of its rights of internal administration where the exercise of those rights does not evidently infringe upon the privileges accorded by the present Convention to British subjects or British commerce.

XLII. The stipulations of the present Convention shall come into immediate operation, and shall be substituted for the stipulations of all preceding Treaties between Great Britain and Tunis, with the exception of the Convention of the 10th of October, 1863, already referred to in Article XVII preceding, which is renewed and confirmed.

This Convention has been written in triplicate, consisting in 42 Articles, besides the introduction, and contained in the preceding 43 pages, to be signed by both parties, and to be executed in the manner explained and clearly set forth in its several provisions, having for object the duration, confirmation, and maintenance of amity between them.

Dated Monday, the 16th day of Gumad-el-Thany, 1292 of the Hegira, corresponding to the 19th of July, 1875.

(L.S.) RICHARD WOOD.

(L.S.) MUHAMMAD AS-SADIG PASHA, *Bey*.

AGREEMENT between Great Britain and Egypt, respecting Judicial Reforms in Egypt. (Extension to Great Britain and to British Subjects of Convention between France and Egypt of November 10, 1874, and between Germany and Egypt of May 5, 1875, as well as of any other arrangements which the Egyptian Government has made or may hereafter make with any Foreign Power respecting Judicial Reforms or Consular Tribunals.)—Signed at Alexandria, July 31, 1875.

THE Undersigned, Charles LES Soussignés, Mr. Charles
 Alfred Cookson, Esquire, Her A. Cookson, Gérant de l'Agence

Britannic Majesty's Consul at Alexandria, acting as Her Britannic Majesty's Agent and Consul-General for Egypt, and his Excellency Chérif Pasha, Minister of Justice to His Highness the Khedive, acting by order of and under instructions from their respective Governments, having held a Conference this day on the subject of the Judicial Reforms in Egypt, have agreed as follows:—

All or any of the stipulations and reservations contained in the Convention relating to Judicial Reforms which was concluded between the French and Egyptian Governments, on the 10th day of November, 1874 (copy of which Convention is annexed to this Agreement), as well as those contained in the Convention concluded between the German and Egyptian Governments on the 5th of May, 1875 (copy of which Convention is likewise annexed to this Agreement), shall be immediately and unconditionally extended by the Egyptian Government to Great Britain and to British subjects, should the British Government at any time express a wish to this effect.

The Egyptian Government, moreover, agrees that any other arrangements which it may have already made, or may hereafter make, with any foreign Power in respect either to Judicial Reforms in Egypt, or to the existing Consular or other Tribunals in that country, shall be immediately and unconditionally extended to Great Britain and to

et Consulat-Général de Sa Majesté Britannique, et son Excellence Chérif Pacha, Ministre de la Justice de Son Altesse le Khédive, agissant par ordre et d'après les instructions de leurs Gouvernements respectifs, ayant tenu une Conférence ce jour au sujet de la Réforme Judiciaire en Égypte, sont convenus de ce qui suit:—

Toutes et chacune des stipulations et réserves contenues dans la Convention relative à la Réforme Judiciaire qui a été conclue entre les Gouvernements Français et Égyptien, le 10 Novembre, 1874 (dont copie est ci-annexée), aussi bien que celles contenues dans la Convention conclue entre les Gouvernements Allemand et Égyptien le 5 Mai, 1875 (dont copie est pareillement ci-annexée), seront immédiatement et inconditionnellement étendues par le Gouvernement Égyptien à la Grande Bretagne et aux sujets Britanniques, si à un moment quelconque le Gouvernement Britannique exprimait un désir à cet effet.

En outre le Gouvernement Égyptien convient que tous les autres arrangements qu'il aurait déjà fait ou qu'il ferait à l'avenir avec toute autre Puissance étrangère, soit concernant la Réforme Judiciaire en Égypte, soit concernant les Tribunaux Consulaires ou autres existant dans ce pays, seront immédiatement et inconditionnellement étendus à

British subjects, should the British Government at any time express a wish to that effect.

In witness whereof the Undersigned have signed the present Agreement, and have affixed thereto the seal of their arms.

Done at Alexandria, the 31st day of July, 1875.

CHAS. A. COOKSON.
CHÉRIF.

la Grande Bretagne et aux sujets Britanniques, si le Gouvernement Britannique à un moment quelconque exprimait un désir à cet effet.

En foi de quoi les Soussignés ont signé la présente Convention, et y ont apposé le sceau de leurs armes.

Fait à Alexandrie le 31 Juillet, 1875.

CHAS. A. COOKSON.
CHÉRIF.

ANNEX (A).—*Protocole avec la France du 10 Novembre, 1874.*

Le 10 Novembre, 1874, son Excellence Chérif Pacha, Ministre de la Justice de Son Altesse le Khédive, et M. le Marquis de Cazaux, Agent et Consul-Général de France, agissant par ordre et d'après les instructions de leurs Gouvernements respectifs, ayant eu une dernière conférence pour arriver à une entente définitive sur les conditions auxquelles le Gouvernement Français adhérerait à la Réforme Judiciaire en Égypte, sont convenus de ce qui suit :—

1. Les accusations de banqueroute frauduleuse, dont il s'agit à l'Article VIII, alinéa *g*, titre ii, du Règlement Organique, continueront, comme par le passé, à être de la compétence de la juridiction de l'inculpé.

2. Pour le choix de l'un des Juges de Première Instance, le Gouvernement Égyptien s'adressera au Ministre de la Justice en France, dans la forme prévue pour la nomination des Conseillers de la Cour d'Appel, et le Magistrat ainsi désigné sera placé de préférence auprès du Tribunal du Caire.

3. Un des membres du Ministère Public sera choisi dans la magistrature Française, et il est expressément entendu que, si une seconde Chambre était créée dans l'un des Tribunaux du Caire ou de Zagazig, et si, par conséquent, le personnel du parquet venait à être augmenté, un autre membre du Ministère Public serait également choisi parmi les magistrats Français.

4. En ce qui touche la révision des Codes Égyptiens, l'Agent et Consul-Général de France adressera à son Excellence Chérif Pacha, dans le délai de 15 jours, à partir du moment où le Cabinet Français aura notifié son approbation au Gouvernement Égyptien, une note qui signalera les points de détail à éclairer dans la rédaction et l'économie de la nouvelle législation, et qui proposera les modifications utiles pour en faire disparaître les contradictions.

5. La réserve relative au statut personnel omise dans l'Article IX du Règlement Organique sera rétablie dans le texte de ce Règlement.

6. En ce qui touche la composition des Chambres, le Gouvernement Français ayant demandé que l'un des magistrats chargé de juger une affaire Européenne fût, autant que possible, de la nationalité de la partie en cause, le Gouvernement Égyptien s'est engagé à appeler sur ce point l'attention de la nouvelle magistrature, chargée de régler seule l'organisation de son service. La même réponse a été faite au Gouvernement Austro-Hongrois, qui avait exprimé le même désir.

7. Les immunités, les privilèges, les prérogatives, et les exceptions dont les Consulats étrangers et les fonctionnaires qui dépendent d'eux jouissent actuellement en vertu des usages diplomatiques et des Traités en vigueur, restent maintenus dans leur intégrité ; en conséquence, les Agents et Consuls-Généraux, les Consuls, les Vice-Consuls, leurs familles, et toutes les personnes attachées à leur service, ne seront pas justiciables des nouveaux tribunaux, et la nouvelle législation ne sera applicable ni à leurs personnes ni à leurs maisons d'habitation. La même réserve est expressément stipulée en faveur des établissements Catholiques, soit religieux, soit d'enseignement, placés sous le protectorat de la France.

8. Il est entendu que les nouvelles lois et la nouvelle organisation judiciaire n'auront pas d'effet rétroactif, conformément au principe inscrit dans le Code Civil Égyptien.

9. Les réclamations déjà pendantes contre le Gouvernement Égyptien seront soumises à une Commission composée de 3 magistrats de la Cour d'Appel, choisis d'accord par les deux Gouvernements.

Cette Commission décidera souverainement et sans appel ; elle établira elle-même les formes de la procédure à suivre.

10. Ces mêmes réclamations pourront toutefois, si les intéressés le préfèrent, être portées devant une Chambre Spéciale en première instance, et une autre Chambre Spéciale en Appel, composées de magistrats appartenant, les uns aux tribunaux, les autres à la Cour, et constituées conformément aux dispositions déjà convenues entre le Gouvernement Égyptien, celui d'Autriche-Hongrie, et quelques autres Puissances. Ces deux Chambres, bien que jugeant d'après les règles de la procédure des nouveaux Tribunaux, statueront au fond conformément aux lois et coutumes en vigueur au moment des faits qui auront motivé les réclamations.

11. Les affaires qui concernent à la fois des réclamants appartenant à plusieurs nationalités seront jugées d'après celui de ces deux modes qui sera convenu entre leurs Consuls-Généraux respectifs.

12. Le règlement de ces affaires commencera avec l'installation des nouveaux Tribunaux et continuera pendant leur fonctionnement.

Les stipulations consignées dans le présent procès-verbal seront présentées dans le plus bref délai à la ratification des deux Gouvernements.

CAZAUX.
CHÉRIF.

ANNEX (B).—*Protocole avec l'Allemagne du 5 Mai, 1875.*

M. de Thiélaud, Secrétaire de Légation, Chargé du Consulat-Général d'Allemagne, et son Excellence Chérif Pacha, Ministre de la Justice de Son Altesse le Khédivé, agissant par ordre et d'après les instructions de leurs Gouvernements respectifs, désirant constater leur entente définitive sur les modifications que le projet de la Réforme Judiciaire en Égypte a subies par le Protocole Franco-Égyptien du 10 Novembre, 1874, sont convenus de ce qui suit :—

1. Les accusations de banqueroute frauduleuse, dont il s'agit à l'Article VIII, alinéa *g*, titre ii, du Règlement Organique, continueront, comme par le passé, à être de la compétence de la juridiction de l'inculpé.

2. Le Gouvernement Égyptien s'étant adressé dans la forme prévue pour la nomination des Conseillers de la Cour d'Appel au Chancelier de l'Empire Allemand pour le choix d'un Juge de Première Instance, ce Magistrat déjà désigné sera placé de préférence au Tribunal du Caire.

3. Un des membres du Ministère Public sera choisi dans la Magistrature Allemande, et il est expressément entendu que, si une Seconde Chambre était créée dans l'un des Tribunaux du Caire ou de Zagazig, et si, par conséquent, le personnel du parquet venait à être augmenté, un autre membre du Ministère Public serait également choisi parmi les Magistrats Allemands.

4. Les Codes Égyptiens révisés dernièrement seront présentés le plus tôt possible au Gouvernement Allemand.

5. La réserve relative au statut personnel, omise dans l'Article IX du Règlement Organique, sera rétablie dans le texte de ce Règlement.

6. En ce qui touche la composition des Chambres, quelques Puissances ayant demandé que l'un des Magistrats chargés de juger une affaire Européenne fût, autant que possible, de la nationalité de la partie en cause, le Gouvernement Égyptien s'engage à appeler sur ce point l'attention de la nouvelle magistrature chargée de régler seule l'organisation du service.

7. Les immunités, les privilèges, les prérogatives, et les exemptions dont les Consulats étrangers et les fonctionnaires qui dépendent d'eux jouissent actuellement en vertu des usages diplomatiques et des Traités en vigueur, restent maintenus dans leur intégrité; en conséquence, les Consuls-Généraux, les Consuls, les Vice-Consuls,

leurs familles et toutes les personnes attachées à leur service, ne seront pas justiciables des nouveaux tribunaux, et la nouvelle législation ne sera pas applicable ni à leurs personnes ni à leurs maisons d'habitation.

En outre, les établissements Allemands suivants :—

A. L'Église Protestante Allemande à Alexandrie,

B. L'Église Protestante Allemande au Caire,

C. L'École Allemande à Alexandrie,

D. L'École Allemande au Caire, et

E. L'Hôpital Protestant Allemand à Alexandrie,

ne seront pas soumis à la compétence des nouveaux tribunaux, et resteront justiciables, comme dans le passé, des Tribunaux Consulaires Allemands. Il est bien entendu que les dits établissements ne seront exemptés qu'en qualité de corporations, et que, par conséquent, les pasteurs, les professeurs, et toutes les personnes attachées à ces établissements relèveront de la juridiction établie en Égypte pour la nationalité à laquelle elles appartiennent.

En ce qui concerne la réserve stipulée à la fin de l'Article VII du Protocole Franco-Égyptien du 10 Novembre, 1874, en faveur des établissements Catholiques, soit religieux soit d'enseignement, placés sous le protectorat de la France, M. de Thiélaud déclare :—

Le Gouvernement Allemand ne reconnaissant à aucune Puissance un protectorat exclusif sur les établissements Catholiques en Orient, se réserve tous ses droits sur les sujets ou administrés Allemands appartenant à un de ces établissements, et il considère notamment comme entendu que la dite stipulation du Protocole Franco-Égyptien ne saurait porter atteinte à la juridiction qui est ou qui sera établie pour les sujets et administrés Allemands en Égypte, en vertu des lois de l'Empire et des arrangements faits entre l'Allemagne et le Gouvernement du Khédive.

Son Excellence Chérif Pacha, au nom du Gouvernement Égyptien, prend acte de cette déclaration.

8. Il est entendu que les nouvelles lois et la nouvelle organisation judiciaire n'auront pas d'effet rétroactif conformément au principe inscrit dans le Code Civil Égyptien.

9. Les réclamations déjà pendantes contre le Gouvernement Égyptien seront soumises à une Commission composée de 3 membres de la Cour d'Appel, choisis d'accord par les deux Gouvernements. Cette Commission décidera souverainement et sans appel ; elle établira elle-même les formes de la procédure à suivre.

10. Ces mêmes réclamations pourront toutefois, si les intéressés le préfèrent, être portées devant une Chambre Spéciale en première instance, et une autre Chambre Spéciale en Appel, composées de Magistrats appartenant, les uns aux Tribunaux, les autres à la Cour d'Appel, et constituées conformément aux dispositions déjà con-

venues entre le Gouvernement Égyptien et celui d'Autriche-Hongrie. Ces deux Chambres, bien que jugeant d'après les règles de la procédure des nouveaux Tribunaux, statueront au fond conformément aux lois et coutumes en vigueur au moment des faits qui auront motivé les réclamations.

11. Les affaires qui concernent à la fois des réclamants appartenant à plusieurs nationalités seront jugées d'après celui de ces deux modes qui sera convenu entre leurs Consuls-Généraux respectifs.

12. Le règlement de ces affaires commencera avec l'installation des nouveaux Tribunaux et continuera pendant leur fonctionnement.

Fait au Caire en deux originaux, le 5 Mai, 1875.

DE THIÉLAU.
CHÉRIF.

CONVENTION of Commercial Reciprocity between the Hawaiian Islands and the United States.—Signed at Washington, January 30, 1875.

[Ratifications exchanged at Washington, June 3, 1875.]

KALAKAUA, King of the Hawaiian Islands, to all to whom these presents shall come, greeting :

Know ye that whereas a Convention for Commercial Reciprocity between the Hawaiian Islands and the United States of America was concluded and signed by their respective Plenipotentiaries at Washington on the 30th day of January last, the original of which Convention is, word for word, as follows :

His Majesty the King of the Hawaiian Islands and the United States of America, equally animated by the desire to strengthen and perpetuate the friendly relations which have heretofore uniformly existed between them, and to consolidate their commercial intercourse, have resolved to enter into a Convention for Commercial Reciprocity.

For this purpose, His Majesty the King of the Hawaiian Islands has conferred full powers on the Honourable Elisha H. Allen, Chief Justice of the Supreme Court, Chancellor of the Kingdom, Member of the Privy Council of State, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States of America ; and the President of The United States has conferred like powers on Hamilton Fish, Secretary of State.

And the said Plenipotentiaries after having exchanged their full powers, which were found to be in due form, have agreed to the following Articles :—

ART. I. For and in consideration of the rights and privileges

granted by His Majesty the King of the Hawaiian Islands in the next succeeding Article of this Convention, and as an equivalent therefor, the United States of America hereby agree to admit all the articles named in the following Schedule, the same being the growth,* manufacture, or produce of the Hawaiian Islands, into all the ports of The United States, free of duty.

Schedule.—Arrowroot, castor oil, fruits,* nuts, vegetables, dried and undried, preserved and unpreserved; hides and skins undressed; rice, pulse, sandal, koa, or other ornamental woods;* seeds, plants, shrubs, or trees; muscovado, brown, and all other unrefined sugar, meaning hereby the grades of sugar heretofore commonly imported from the Hawaiian Islands, and now known in the markets of San Francisco and Portland as “Sandwich Island Sugar;” syrup of sugar-cane, melade, and molasses; tallow.

II. For and in consideration of the rights and privileges granted by the United States of America in the preceding Article of this Convention, and as an equivalent therefor, His Majesty the King of the Hawaiian Islands hereby agrees to admit all the articles named in the following Schedule, the same being the growth, manufacture, or produce of the United States of America, into all the ports of the Hawaiian Islands, free of duty.

Schedule.—Agricultural implements; animals; beef, bacon, pork, ham, and all fresh, smoked, or preserved meats; boots and shoes; grain, flour, meal and bran, bread and breadstuffs, of all kinds; bricks, lime, and cements; butter, cheese, lard, tallow; bullion, coal, cordage, naval stores, including tar, pitch, resin, turpentine, raw and rectified; copper and composition sheathing, nails and bolts; cotton and manufactures of cotton, bleached and unbleached, and whether or not coloured, stained, painted, or printed; eggs; fish and oysters, and all other creatures living in the water, and the products thereof; fruits, nuts, and vegetables, green, dried or undried, preserved or unpreserved; hardware; hides, furs, skins, and pelts, dressed or undressed; hoop iron and rivets, nails, spikes and bolts, tacks, brads or sprigs; ice; iron and steel, and manufactures thereof; leather; lumber and timber of all kinds, round, hewed, sawed, and unmanufactured, in whole or in part; doors, sashes, and blinds; machinery of all kinds, engines and parts thereof; oats and hay; paper, stationery, and books, and all manufactures of paper, or of paper and wood; petroleum, and all oils for lubricating or illuminating purposes; plants, shrubs, trees, and seeds; rice, sugar, refined or unrefined; salt, soap, shooks, staves, and headings; wool, and manufactures of wool, other than ready-made clothing; wagons and carts for the purposes of agriculture or of drayage;

* See Amendments.

wood and manufactures of wood, or of wood and metal, except furniture, either upholstered or carved, and carriages; textile manufactures, made of a combination of wool, cotton, silk, or linen, or of any two or more of them, other than when ready-made clothing.*

III. The evidence that articles proposed to be admitted into the ports of the United States of America, or the ports of the Hawaiian Islands, free of duty, under Articles I and II of this Convention, are the growth, manufacture, or produce of the United States of America or of the Hawaiian Islands respectively, shall be established under such rules and regulations and conditions for the protection of the revenue as the two Governments may from time to time respectively prescribe.

IV.* No export duty or charges shall be imposed in the Hawaiian Islands, or in The United States, upon any of the articles proposed to be admitted into the ports of The United States, or the ports of the Hawaiian Islands, free of duty, under Articles I and II of this Convention.

V. The present Convention shall take effect as soon as it shall have been approved and proclaimed by His Majesty the King of the Hawaiian Islands, and shall have been ratified and duly proclaimed on the part of the Government of The United States, and the laws required* to carry it into operation shall have been passed by the Congress of the United States of America. Such assent having been given, and the ratifications of the Convention having been exchanged, as provided in Article VI, the Convention shall remain in force for 7 years, from the date at which it may come into operation; and further, until the expiration of 12 months after either of the High Contracting Parties shall give notice to the other of its wish to terminate the same, each of the High Contracting Parties being at liberty to give such notice to the other at the end of the said term of 7 years, or at any time thereafter.

VI. The present Convention shall be duly ratified, and the ratifications exchanged at Washington City within 18 months from the date hereof, or earlier if possible.

In faith whereof the respective Plenipotentiaries of the High Contracting Parties have signed this present Convention, and have affixed thereto their respective seals.

Done in duplicate, at Washington, the 30th day of January, in the year of Our Lord 1875.

(L.S.) ELISHA H. ALLEN.

(L.S.) HENRY A. P. CARTER.

(L.S.) HAMILTON FISH.

* See Amendments.

Memorandum.

The following is the corresponding clause in the copy of the Treaty received from The United States Government:

And whereas the Senate of The United States by their resolution of the 18th of March last (two-thirds of the Senators present concurring), did advise and consent to the ratification of the said Convention with the following amendments:

And whereas the Contracting Parties have consented to the ratification of the said Convention with the following

Amendments.

Art. I. After the word "growth," and before the word "manufacture," insert the word "and."

Art. I. Strike out of the Schedule the word "fruits," and in lieu insert the word "bananas;" and strike out the words "sandal, koa, or other ornamental woods."

Add to the Schedule in Article II the words "harness and all manufactures of leather, starch, and tobacco, whether in leaf or manufactured."

At the end of Article IV add the following:

"It is agreed on the part of His Hawaiian Majesty that so long as this Treaty shall remain in force he will not lease or otherwise dispose of, or create any lien upon any port, harbour, or other territory in his dominions, or grant any special privilege or rights of use therein to any other Power, State, or Government, nor make any Treaty by which any other nation shall obtain the same privileges relative to the admission of any articles free of duty, hereby secured to The United States."

Art. V. Strike out the following words "and the laws required," and insert in lieu the words "but not until a law."

Now, therefore, be it known that I, Kalakaua, King of the Hawaiian Islands, having seen and considered the said Convention, do hereby accept, confirm, and ratify the same as amended, and every Article and clause thereof.

In testimony whereof I have caused the seal of the Hawaiian Islands to be hereunto affixed.

Given under our hand at the city of Honolulu the 17th day of April, in the year of Our Lord 1875.

KALAKAUA R.

By the King.

W. L. GREEN, *Minister of Foreign Affairs.*

*TREATY of Commerce, Navigation, and Trade Marks, between Belgium and the United States.—Signed at Washington, March 8, 1875.**

[Ratifications exchanged at Brussels, June 11, 1875.]

THE United States of America on the one part, and His Majesty the King of the Belgians on the other part, wishing to regulate in a formal manner their reciprocal relations of commerce and navigation, and further to strengthen, through the development of their interests respectively, the bonds of friendship and good understanding so happily established between the Governments and people of the two countries; and desiring with this view to conclude, by common agreement, a Treaty establishing conditions equally advantageous to the commerce and navigation of both States, have to that effect appointed as their Plenipotentiaries, namely:

The President of the United States, Hamilton Fish, Secretary of State of the United States;

And His Majesty the King of the Belgians, Maurice Delfosse Commander of the Order of Leopold, &c., &c., his Envoy Extraordinary and Minister Plenipotentiary in the United States;

Who, after having communicated to each other their full powers, ascertained to be in good and proper form, have agreed to and concluded the following Articles:—

ART. I. There shall be full and entire freedom of commerce and navigation between the inhabitants of the two countries, and the same security and protection which is enjoyed by the citizens or subjects of each country shall be guaranteed on both sides. The said inhabitants, whether established or temporarily residing within any ports, cities, or places whatever of the two countries, shall not, on account of their commerce or industry, pay any other or higher duties, taxes, or imposts than those which shall be levied on citizens or subjects of the country in which they may be; and the privileges, immunities, and other favours with regard to commerce or industry, enjoyed by the citizens or subjects of one of the two States, shall be common to those of the other.

II. Belgian vessels, whether coming from a Belgian or a foreign port shall not pay, either on entering or leaving the ports of the United States, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, lighthouses, clearance, brokerage, or generally other charges whatsoever, than are required from vessels of the United States in similar cases. This provision extends, not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries,

* Signed also in the French language.

districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

III. Reciprocally, vessels of the United States, whether coming from a port of said States or from a foreign port, shall not pay, either on entering or leaving the ports of Belgium, whatever may be their destination, any other or higher duties of tonnage, pilotage, anchorage, buoys, light-houses, clearance, brokerage, or generally other charges whatever, than are required from Belgian vessels, in similar cases. This provision extends not only to duties levied for the benefit of the State, but also to those levied for the benefit of provinces, cities, countries, districts, townships, corporations, or any other division or jurisdiction, whatever may be its designation.

IV. As regards the coasting trade between the ports of either country, the vessels of the two nations shall be treated on both sides on the same footing with the vessels of the most favoured nations.

V. Objects of any kind soever introduced into the ports of either of the two States under the flag of the other, whatever may be their origin and from what country soever the importation thereof may have been made, shall not pay other or higher entrance duties, nor shall be subjected to other charges or restrictions, than they would pay, or be subjected to, were they imported under the national flag.

VI. Articles of every description exported by Belgian vessels, or by those of the United States of America from the ports of either country to any country whatsoever, shall be subjected to no other duties or formalities than such as are required for exportation under the flag of the country where the shipment is made.

VII. All premiums, drawbacks, or other favours of like nature, which may be allowed in the States of either of the Contracting Parties upon goods imported or exported in national vessels, shall be likewise and in the same manner allowed upon goods imported directly from one of the two countries by its vessels into the other, or exported from one of the two countries by the vessels of the other to any destination whatsoever.

VIII. The preceding Article is, however, not to apply to the importation of the produce of the national fisheries; each of the two parties reserving to itself the faculty of granting special privileges for the importation of those articles under its own flag.

IX. The High Contracting Parties agree to consider and to treat as Belgian vessels, and as vessels of the United States, all those which, being provided by the competent authority with a passport, sea letter, or any other sufficient document, shall be recognized, conformably with existing laws, as national vessels in the country to which they respectively belong.

X. Belgian vessels and those of the United States may, conform-

ably with the laws of the two countries, retain on board, in the ports of both, such parts of their cargoes as may be destined for a foreign country; and such parts shall not be subjected, either while they remain on board or upon re-exportation, to any charges whatsoever, other than those for the prevention of smuggling.

XI. During the period allowed by the laws of the two countries respectively for the warehousing of goods, [no duties, other than those of watch and storage, shall be levied upon articles brought from either country into the other while awaiting transit, re-exportation, or entry for consumption. Such goods shall in no case be subject to higher warehouse charges, or to other formalities, than if they had been imported under the flag of the country.

XII. In all that relates to duties of Customs and navigation, the two High Contracting Parties promise, reciprocally, not to grant any favour, privilege, or immunity to any other State which shall not instantly become common to the citizens and subjects of both parties respectively; gratuitously, if the concession or favour to such other State is gratuitous, and on allowing the same compensation, or its equivalent, if the concession is conditional.

Neither of the Contracting Parties shall lay upon goods proceeding from the soil or the industry of the other party, which may be imported into its ports, any other or higher duties of importation or re-exportation than are laid upon the importation or re-exportation of similar goods coming from any other foreign country.

In case either of the High Contracting Parties shall announce to the other its desire to terminate this Article, the operation and the obligation thereof shall cease and determine at the expiration of one year from the delivery of such notice, leaving however, the remaining Articles of the Treaty in force until terminated according to the provisions of Article XVI hereinafter.

XIII. In cases of shipwreck, damages at sea, or forced putting in, each party shall afford to the vessels of the other, whether belonging to the State or to individuals, the same assistance and protection and the same immunities which would have been granted to its own vessels in similar cases.

XIV. Articles of all kinds, the transit of which is allowed in the United States, coming from or going to Belgium, shall be exempt from all transit duty in the United States.

Reciprocally, articles of all kinds, the transit of which is allowed in Belgium, coming from or going to the United States, shall be exempt from all transit duty in Belgium. Such transit, whether in the United States or in Belgium, shall be subject, however, to such limitations as to the points between which the transit may be made, and to such regulations for the protection of the revenue and the prevention of withdrawal of the articles for consumption or use

within the country through which the transit is made, as are or may be prescribed by or under the authority of the laws of the countries respectively.

XV. The High Contracting Parties, desiring to secure complete and efficient protection to the manufacturing industry of their respective citizens, agree that any counterfeiting in one of the two countries of the trade marks affixed in the other on merchandize, to show its origin and quality, shall be strictly prohibited, and shall give ground for an action of damages in favour of the injured party, to be prosecuted in the Courts of the country in which the counterfeited shall be proven.

The trade marks in which the citizens of one of the two countries may wish to secure the right of property in the other must be lodged, to wit: the marks of citizens of the United States at Brussels, in the office of the clerk of the Tribunal of Commerce; and the marks of Belgian citizens at the Patent Office in Washington.

It is understood that if a trade mark has become public property in the country of its origin, it shall be equally free to all in the other country.

XVI. The present Treaty shall be in force during 10 years from the date of the exchange of the ratifications, and until the expiration of 12 months after either of the High Contracting Parties shall have announced to the other its intention to terminate the operation thereof; each party reserving to itself the right of making such declaration to the other at the end of the 10 years above mentioned; and it is agreed that after the expiration of the 12 months of prolongation accorded on both sides, this Treaty and all its stipulations shall cease to be in force.

XVII. This Treaty shall be ratified, and the ratifications shall be exchanged at Brussels within the term of 9 months after its date, or sooner if possible.

In faith whereof the respective Plenipotentiaries have signed the present Treaty in duplicate, and have affixed thereto their seals at Washington, the 8th day of March, 1875.

(L.S.) HAMILTON FISH.

(L.S.) MAURICE DELFOSSE.

AGREEMENT between Spain and the United States, respecting the Indemnity to be paid by Spain for the Relief of the Families or Persons of the Ship's Company and of the Passengers of the Steamer Virginus.—Signed at Madrid, February 27, 1875.

IN consideration of the reasons set forth and the declarations

made reciprocally in various conferences to that effect had between his Excellency Mr. Caleb Cushing, representative of the United States, and his Excellency D. Alejandro Castro, Minister of State, as also of the notes which have passed between them, and desiring at the same time to put an end, by means of an equitable and friendly accord to the reclamations presented by the Government of the United States in consequence of what occurred at Santiago de Cuba in regard to the persons of the officers, crew, and passengers of the steamer *Virginus*, it being understood that from these reclamations are to be excluded, in so far as respects the ship's company, all individuals indemnified as British subjects,* and, with respect to passengers, including only 6 American citizens:—

They have agreed:—

1. The Spanish Government engages to deliver to that of the United States the sum of 80,000 dollars in coin, or 400,000 pesetas, for the purpose of relief of the families or persons of the ship's company and passengers aforesaid of the *Virginus*.

2. The Government of the United States engages to accept the sum mentioned in satisfaction of reclamations of any sort which, in the sense of personal indemnification in this behalf, might hereafter be advanced against the Spanish Government.

3. When the sum referred to in Article 1 shall have been received, the President of the United States will proceed to distribute the same among the families or the parties interested, in the form and manner which he may judge most equitable, without being obliged to give account of this distribution to the Spanish Government.

4. The payment of the 80,000 dollars, or 400,000 pesetas, shall be effected by the Spanish Government at Madrid, in specie, and in 3 periods of two months each: 30,000, or 150,000 pesetas for each of the first two instalments, and 20,000 dollars, or 100,000 pesetas in the last.

5. The present Agreement will be ratified by both the Undersigned so soon as his Excellency the representative of the United States shall have presented credential letters which accredit him as Minister Plenipotentiary near His Majesty the King of Spain.

Done at Madrid, this 27th day of February, in the year 1875.

C. CUSHING.

ALEJANDRO CASTRO.

Ratification of Agreement.

His Excellency Mister Caleb Cushing, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, and his Excellency Don Alejandro Castro, Minister of State of His Catholic

* See Vol. LXV. Pages 223—229.

Majesty, in fulfilment of the stipulation contained in Article V of the Agreement provisionally signed by their Excellencies aforesaid in this city on the 27th of February last past, declared :—

That his Excellency Mister Caleb Cushing, having yesterday presented the letter of his Excellency the President, which accredits him as the Envoy Extraordinary and Minister Plenipotentiary of the said States near His Majesty the King of Spain, they ratify, by the present document, all that is stipulated in each one of the 5 Articles of which the above-mentioned Agreement is composed.

In witness whereof, both the Undersigned have signed their names and set their seals to the present Declaration.

Madrid, the 11th of March of the year 1875.

(L.S.) C. CUSHING, *Minister Plenipotentiary of the United States of America.*

(L.S.) ALEJANDRO CASTRO, *Minister of State of His Catholic Majesty.*

TRAITE de Commerce et de Navigation entre les Pays-Bas et le Portugal.—Signé à Lisbon, le 9 Janvier, 1875.

[Ratifications échangées, le 24 Avril, 1875.]

Sa Majesté le Roi des Pays-Bas et Sa Majesté le Roi de Portugal et des Algarves, également animés du désir de resserrer les liens d'amitié qui unissent les deux pays, et voulant améliorer et étendre les relations de commerce et de navigation entre leurs États respectifs, ont résolu de conclure un Traité à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, le Sieur Denis Everwijn, Docteur en Droit, Chevalier de l'Ordre du Lion Néerlandais, Commandeur, &c., son Ministre Résident près Sa Majesté Très Fidèle ; et

Sa Majesté le Roi du Portugal et des Algarves, le Sieur Jean de Andrade Corvo, son Conseiller, Pair du Royaume, Ministre et Secrétaire d'État au Département des Affaires Étrangères, Professeur de l'École Polytechnique de Lisbonne, Lieutenant-Colonel d'Ingénieurs, Grand'-Croix, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les sujets respectifs des deux Hautes Parties Contractantes seront parfaitement assimilés aux nationaux pour tout ce qui regarde l'exercice du commerce et de l'industrie et le paiement de l'impôt. Ils auront le droit d'exercer librement leur religion, en se conformant

aux lois et règlements de chaque pays, et d'acquérir et de disposer, de la même manière que les nationaux, de toute propriété mobilière et immobilière par achat, vente, donation, échange, testament, et succession ab intestat.

Ils seront parfaitement assimilés sous tous les autres rapports aux sujets de la nation étrangère la plus favorisée.

Les dispositions qui précèdent ne dérogent pas aux distinctions légales entre les personnes d'origine occidentale et orientale dans les possessions Néerlandaises de l'Archipel Oriental, distinctions qui seront également applicables aux sujets du Portugal dans ces possessions.

II. Les produits du sol et de l'industrie du Royaume des Pays-Bas et de ses colonies, de quelque part qu'ils viennent, et toute marchandise sans distinction d'origine, venant de ce Royaume ou de ses colonies, seront admis en Portugal sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Il est fait réserve au profit du Portugal du droit de concéder au Brésil seulement des avantages particuliers, qui ne pourront pas être réclamés par les Pays-Bas comme une conséquence de son droit au traitement de la nation la plus favorisée. Il est entendu que si le Portugal accordait à d'autres États le partage des faveurs qu'il aurait accordées au Brésil, les Pays-Bas seraient admis à jouir des mêmes faveurs.

Réciproquement les produits du sol et de l'industrie du Royaume de Portugal et de ses colonies, de quelque part qu'ils viennent, et toutes les marchandises sans distinction d'origine, venant de ce Royaume ou de ses colonies, seront admis dans les Pays-Bas sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Ces dispositions ne s'appliquent pas à la bonification extraordinaire de 7 pour cent dont jouissent, à titre de déchet sur le taux du droit d'accise, les sels marins bruts d'origine Française importés directement de France dans les Pays-Bas par mer. Cette bonification sera immédiatement étendue aux sels de Portugal, raffinés dans les Pays-Bas, dès qu'elle est accordée aux sels d'une autre provenance que la France.

III. Les produits du sol et de l'industrie des deux Hautes Parties Contractantes seront réciproquement admis dans leurs colonies sur le pied de ceux de la nation étrangère la plus favorisée.

Ce traitement est également assuré aux marchandises, sans distinction d'origine, importées d'un des pays contractants ou de ses colonies dans une colonie de l'autre.

Ces dispositions ne s'appliquent pas à la franchise de droits d'entrée accordée aux Etats indigènes de l'Archipel Oriental pour l'importation de leurs produits dans les colonies des Pays-Bas.

IV. Le traitement réservé au pavillon national pour tout ce qui concerne les navires et leur cargaison sera réciproquement garanti en tous points et en toute circonstance aux navires des deux Hautes Parties Contractantes dans le Royaume des Pays-Bas et ses colonies, comme dans le Royaume de Portugal et ses colonies.

Ces dispositions ne s'appliquent pas au cabotage dans les colonies Néerlandaises et dans le Portugal et ses colonies, ni à la navigation entre le Portugal et ses colonies, réservée au pavillon national. À ces égards les Hautes Parties Contractantes se garantissent le traitement de la nation étrangère la plus favorisée, sauf les privilèges accordés quant au cabotage dans les colonies Néerlandaises aux peuples indigènes de l'Archipel Oriental.

V. Les deux Hautes Parties Contractantes se garantissent réciproquement le traitement de la nation étrangère la plus favorisée pour tout ce qui concerne le transit et l'exportation.

VI. Les sujets de l'une des Hautes Parties Contractantes jouiront dans les États de l'autre de la même protection que les nationaux pour tout ce qui concerne la propriété des marques de fabrique ou de commerce.

Les Néerlandais ne pourront revendiquer en Portugal la propriété exclusive d'une marque de fabrique ou de commerce, s'ils n'en ont déposé deux exemplaires au bureau du commerce et de l'industrie du Ministère des Travaux Publics à Lisbonne.

Réciproquement les Portugais ne pourront revendiquer dans les Pays-Bas la propriété exclusive d'une marque de fabrique ou de commerce, s'ils n'en ont déposé deux exemplaires au greffe du tribunal d'arrondissement d'Amsterdam.

Les deux Hautes Parties Contractantes se réservent le droit de changer les stations pour le dépôt prescrit par le présent Article, en se donnant mutuellement et en temps utile connaissance de ces changements.

VII. Toute réduction de tarif, toute faveur, toute immunité que l'une des Hautes Parties Contractantes accordera aux sujets, au commerce, aux produits du sol ou de industrie, ou au pavillon d'une tierce Puissance, sera immédiatement et sans condition étendue à l'autre de ces Hautes Parties. Aucune des Hautes Parties Contractantes ne soumettra l'autre à une prohibition ou une charge légale sous un de ces rapports qui ne serait appliquée en même temps à toutes les autres nations.

VIII. Les dispositions du présent Traité, applicables au Portugal, le sont également, sans aucune exception, aux îles Portugaises dites

adjacentes, savoir : aux îles de Madère et de Porto Santo et à l'Archipel des Açores.

IX. Le présent Traité restera en vigueur pendant 10 années, à partir du jour de l'échange des ratifications. Dans le cas où une des Hautes Parties Contractantes n'aurait notifié 12 mois avant la fin de la dite période son intention d'en faire cesser les effets, le Traité demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des deux Hautes Parties Contractantes l'aura dénoncé.

X. Le présent Traité sera ratifié, et les ratifications en seront échangées à Lisbonne aussitôt que faire se pourra.

En foi de quoi, les Plénipotentiaires l'ont signé et y ont apposé leurs cachets.

Fait à Lisbonne, en double original, le 9 Janvier, 1875.

(L.S.) D. EVERWIJN.

(L.S.) JOÃO DE ANDRADE CORVO.

Déclaration.

Au moment de procéder à la signature du Traité de Commerce, le Plénipotentiaire des Pays-Bas déclare : Que son Gouvernement présentera dans le délai de 6 mois, à compter de l'échange des ratifications, un projet de loi, ayant pour but de fixer à 21 pour cent le maximum de la force des vins admis dans les Pays-Bas, sans paiement de la surtaxe afférente à l'alcool.

Le Plénipotentiaire du Portugal prend acte de cette déclaration.

Fait en double, à Lisbonne, le 9 Janvier, 1875.

(L.S.) D. EVERWIJN.

(L.S.) JOÃO DE ANDRADE CORVO.

LOI des Pays-Bas, réglant les conditions générales auxquelles des Traités pourront être conclus avec des Puissances Étrangères concernant l'Extradition d'Étrangers.—La Haye, le 6 Avril, 1875.

(Traduction officielle.)

Nous, Guillaume III, &c., à tous ceux qui les présentes verront, salut ! savoir faisons :—

Ayant pris en considération qu'il est désirable d'abroger les dispositions de la Loi du 13 Août, 1849 ("Journal Officiel," No. 39), concernant l'extradition, et de régler ultérieurement les conditions générales auxquelles des Traités concernant l'extradition des étrangers peuvent être conclus avec des Puissances étrangères ;

À ces causes, le Conseil d'État entendu et de commun accord avec les États-Généraux, avons trouvé bon et entendu :—

ART. I. Les Articles XVI, XVII, et XVIII de la Loi du 13 Août, 1849 ("Bulletin des Lois," No. 39), sont abrogés.

Aucun nouveau Traité concernant l'extradition des étrangers ne peut être conclu, et les Traités existant sur cette matière ne peuvent être renouvelés, que conformément aux dispositions de la présente Loi.

II. Les étrangers ne peuvent être extradés que pour les crimes et délits ci-après énumérés, commis hors du Royaume :—

1. Attentat contre la vie du Souverain, des membres de sa famille, ou du chef d'une République ;

2. Meurtre, assassinat, parricide, infanticide, empoisonnement ;

3. Menaces, punissables aux termes de l'Article CCCV du Code Pénal ;

4. Avortement ;

5. Blessures ou coups volontaires, ayant occasionné une maladie ou incapacité de travail personnel pendant plus de 20 jours, ou commis avec préméditation ;

6. Viol ou tout autre attentat à la pudeur commis avec violence ;

7. Attentat aux mœurs, punissable aux termes de l'Article CCCXXXIV du Code Pénal ;

8. Bigamie ;

9. Enlèvement, recélé, suppression, substitution ou supposition d'un enfant ;

10. Enlèvement de mineurs ;

11. Contrefaçon, falsification, altération, ou rognement de monnaie ou participation volontaire à l'émission de monnaie contrefaite, falsifiée, altérée, ou rognée ;

12. Faux commis à l'égard des sceaux de l'État, des billets de banque, des effets publics et des poinçons, timbres et marques, punissables aux termes des Articles CXXXIX à CXLIII du Code Pénal ; de papier monnaie et timbres poste ;

13. Faux en écriture, punissable aux termes des Articles CXLV à CXLVIII et des Articles CL et CLI du Code Pénal ;

14. Faux témoignage, subornation de témoins, faux serment ;

15. Corruption de fonctionnaires publics, punissable aux termes des Articles CLXXVII à CLXXIX et CLXXXI à CLXXXIII du Code Pénal, concussion, soustraction, ou détournement commis par les percepteurs ou dépositaires publics ;

16. Incendie volontaire, punissable aux termes des Articles CCCXXXIV et CCCXXXV du Code Pénal ;

17. Destruction volontaire de biens immeubles, punissable aux termes de l'Article CCCXXXVII du Code Pénal ;

18. Pillage de biens meubles, punissable aux termes des Articles CCCCXL et CCCCXLII du Code Pénal :

19. Perte, échouement, destruction ou dégât illégal et volontaire de vaisseaux ou autres navires ;

20. Émeute et rébellion des passagers à bord d'un vaisseau contre le capitaine et des gens de l'équipage contre leurs supérieurs ;

21. Le fait volontaire d'avoir mis en péril un convoi sur un chemin de fer ;

22. Vol ;

23. Escroquerie ;

24. Abus d'un blanc seing ;

25. Détournement ou dissipation, au préjudice du propriétaire, possesseur ou détenteur, de biens ou valeurs qui n'ont été remis qu'à titre de dépôt ou pour un travail salarié ;

26. Banqueroute frauduleuse.

III. L'extradition aura lieu non seulement pour le crime ou le délit consommé, mais aussi pour la tentative ou le fait de complicité, lorsque l'une ou l'autre est punissable aux termes des lois pénales Néerlandaises.

IV. L'extradition ne sera pas accordée aussi longtemps que l'étranger est poursuivi aux Pays-Bas pour le crime ou délit commis hors du Royaume, ou s'il a été jugé dans le Royaume du chef de ce crime ou délit et qu'il ait été condamné, absous, ou acquitté.

V. L'extradition ne sera pas accordée lorsque la prescription de la poursuite ou de la peine du crime ou du délit est acquise, d'après les lois Néerlandaises, avant l'arrestation de l'étranger dans le Royaume, ou, si l'arrestation n'a pas encore eu lieu, avant qu'il ait été cité devant le tribunal pour être interrogé.

VI. Si l'étranger est poursuivi aux Pays-Bas pour une autre infraction que celle qui a donné lieu à la demande d'extradition, cette demande ne sera accordée qu'après la fin de la poursuite et, en cas de condamnation, qu'après qu'il ait subi sa peine ou qu'il ait été grâcé.

Néanmoins l'étranger pourra être extradé provisoirement, afin d'être jugé dans l'État étranger, à la condition qu'il soit renvoyé aux Pays-Bas après la fin de la procédure.

VII. L'extradition ne sera accordée qu'à la condition que l'extradé ne pourra être poursuivi ni puni pour un crime ou délit quelconque non prévu par le Traité, commis avant son extradition, à moins qu'il n'ait eu, pendant un mois après son extradition, la liberté de quitter de nouveau le pays.

VIII. L'extradition sera demandée par la voie diplomatique.

Elle ne sera accordée qu'après l'avis pris du tribunal de l'arrondissement dans lequel l'individu réclamé a été arrêté ou sera trouvé.

En donnant son avis, le tribunal décidera lesquels des objets saisis peuvent être restitués à l'individu réclamé, lesquels doivent être remis comme pièces de conviction.

IX. En attendant la demande par voie diplomatique, l'étranger dont l'extradition peut être réclameé pourra être arrêté provisoirement en vertu d'un ordre d'un officier de justice ou d'un de ses auxiliaires, à la requête de l'autorité étrangère que le Traité désigne comme compétente pour décerner un mandat d'arrestation provisoire.

Les objets se trouvant en la possession de l'étranger pourront être saisis.

Si l'arrestation provisoire a eu lieu en vertu d'un ordre d'un officier de justice auxiliaire, le détenu sera mis immédiatement à la disposition de l'officier de justice.

X. Après avoir entendu le détenu, l'officier de justice pourra décerner à sa charge un mandat d'arrestation provisoire, lequel sera signifié au détenu dans les 48 heures.

L'officier de justice ordonnera la mise en liberté immédiate du détenu, à moins que sa détention ne doive être maintenue pour un autre motif, et la restitution des objets saisis, à moins qu'il n'y ait un autre motif de les retenir, si la demande d'extradition ne lui a pas été adressée, avec les documents requis, dans le délai qui sera déterminé par le Traité, mais qui ne pourra excéder :—

1. Vingt jours, à partir de la date du mandat d'arrestation provisoire, si celle-ci a été demandée au nom d'un Gouvernement Européen ;

2. Trois mois, à partir de la même date, si cette demande a été faite au nom d'un Gouvernement hors d'Europe.

Lorsque la demande d'extradition aura été faite dans ce délai, il sera procédé conformément aux dispositions des Articles XIII à XVIII.

XI. La demande d'extradition du Gouvernement étranger devra être accompagnée de l'original ou d'une expédition authentique soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit de tout autre acte de même nature, usité dans l'État étranger et indiqué au Traité.

XII. Les étrangers dont l'extradition est demandée en vertu d'un Traité, et dont l'arrestation n'aurait pas encore eu lieu, pourront être arrêtés.

Le mandat d'arrêt devra leur être signifié dans les 48 heures.

Les objets trouvés en leur possession pourront être saisis.

L'officier de justice près le tribunal d'arrondissement où l'arrestation a eu lieu sera informé de celle-ci dans les 24 heures.

XIII. Dans les 3 jours après l'arrestation et, si celle-ci n'a pas

eu lieu, ou bien qu'elle ait eu lieu avant la demande d'extradition, dans les 3 jours après en avoir reçu l'ordre, l'officier de justice requerra que l'individu réclamé soit interrogé par le tribunal et que celui-ci donne son avis sur l'admissibilité de la demande d'extradition.

XIV. L'individu réclamé sera interrogé en audience publique, à moins qu'il ne demande le huis clos ou que le huis clos ne soit ordonné par le tribunal, pour tout ou partie de l'audience, pour des motifs graves, dont il sera fait mention sur la feuille d'audience.

L'interrogatoire aura lieu en présence du Ministère Public.

L'individu réclamé pourra se faire assister par un conseil. Sera admis comme conseil toute personne ayant les qualités requises pour présenter la défense d'un prévenu devant la justice criminelle ou correctionnelle.

XV. Dans les 15 jours après l'interrogatoire, le tribunal adressera son avis et la décision, dont il est parlé à l'Article VIII, avec le dossier de l'affaire, à notre Ministre de la Justice.

XVI. Tout individu qui, ayant été arrêté ou réclamé, prétend qu'il possède la qualité de Néerlandais et que la présente Loi ne lui est par conséquent pas applicable, pourra réclamer cette qualité par requête, adressée à la Haute Cour, dans les 15 jours après son interrogatoire.

Cette faculté lui sera notifiée par l'officier de justice le plus tôt possible après son arrestation, et lui sera rappelée lors de son interrogatoire. Il sera informé en outre qu'il a le droit de se concerter à cet égard avec un conseil.

Le greffier de la Haute Cour informera immédiatement notre Ministre de la Justice de la présentation de la requête.

XVII. La Haute Cour décidera, après avoir entendu le Procureur-Général.

Si la Haute Cour décide que l'impétrant est Néerlandais, elle ordonnera en même temps, s'il est arrêté, sa mise en liberté immédiate, à moins que son arrestation ne doive être maintenu pour un autre motif.

Le Procureur-Général près la Haute Cour informera immédiatement notre Ministre de la Justice de la décision de la Cour.

Si celle-ci déclare que l'impétrant est Néerlandais, les objets saisis lui seront restitués, à moins qu'ils ne doivent être retenus pour un autre motif, et la procédure devant le tribunal, si elle a été commencée sans avoir été terminée, sera éteinte de plein droit.

XVIII. Si, dans le délai fixé par l'Article XVI, la décision de la Haute Cour n'a pas été invoquée ou s'il a été décidé par la Cour que l'individu réclamé n'est pas Néerlandais, l'extradition sera

accordée ou refusée par notre Ministre de la Justice, après avoir reçu l'avis du tribunal.

Si l'extradition est refusée, l'individu réclamé, s'il a été arrêté, sera immédiatement mis en liberté, à moins que son arrestation ne doive être maintenue pour un autre motif, et les objets saisis lui seront restitués, à moins qu'il n'y ait lieu de les retenir pour un autre motif.

XIX. Si l'individu réclamé n'a pas été arrêté et si, dûment cité, il n'est pas comparu devant le tribunal, afin d'être interrogé, les délais indiqués aux Articles XV et XVI commenceront à courir du jour fixé par le tribunal pour l'interrogatoire.

XX. Le Gouvernement peut autoriser le transit sur le territoire Néerlandais d'un étranger dont l'extradition a été accordée par un Gouvernement étranger à un autre Gouvernement, lié avec les Pays-Bas par un Traité d'Extradition, comprenant l'infraction pour laquelle l'extradition a été consentie à cet État, pourvu que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires Néerlandais.

XXI. Le Gouvernement peut ordonner que l'étranger, détenu provisoirement ou subissant sa peine au Pays-Bas, soit livré temporairement à un État étranger pour y être confronté ou entendu comme témoin dans une affaire pénale.

Si l'étranger subit sa peine aux Pays-Bas, la durée de cette peine ne sera pas interrompue par ce fait.

XXII. La présente Loi considère comme Néerlandais quiconque est réputé tel par les dispositions du Code Civil.

Sont considérés comme étrangers, quant à l'application de la présente Loi, les individus assimilés aux Néerlandais aux termes de l'Article VIII de ce Code.

XXIII. Tous actes et documents dressés en vertu de la présente Loi seront exempts de timbre et d'enregistrement et seront délivrés sans frais.

XXIV. La présente Loi ne s'applique pas à l'arrestation des matelôts déserteurs, à leur renvoi à bord, et aux mesures à prendre pour les mettre à la disposition des Consuls de leur nation.

Mandons et ordonnons, &c.

Donné à la Haye, le 6 Avril, 1875.

GUILLAUME.

VAN LYNDEN VAN SANDENBURG, *Ministre de la Justice.*

VAN DER DOES DE WILLEBOIS, *Ministre des Affaires Étrangères.*

CONSULAR CONVENTION between Italy and the Netherlands.—Signed at the Hague, August 3, 1875.

[Ratifications exchanged at the Hague, May 19, 1876.]

SA Majesté le Roi des Pays-Bas et Sa Majesté le Roi d'Italie, également animés du désir de déterminer avec précision les droits, privilèges et immunités réciproques des Agents Consulaires respectifs, ainsi que leurs fonctions et les obligations auxquelles ils seront soumis dans les deux pays, ont résolu de conclure une Convention Consulaire, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Pays-Bas, M. Pierre Joseph Auguste Marie van der Does de Willebois, Commandeur de l'Ordre du Lion Néerlandais, Grand Officier, &c., son Ministre des Affaires Étrangères ; et le Baron Constant Théodore van Lynden van Sandenburg, Chevalier, &c., son Chambellan et Ministre de la Justice ; et

Sa Majesté le Roi d'Italie, M. le Chevalier Joseph Bertinatti, Grand Officier, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Sa Majesté le Roi des Pays-Bas :

Lesquels, ayant échangé leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I. Chacune des deux Hautes Parties Contractantes consent à admettre des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires de l'autre dans tous ses ports, villes, et places, excepté dans les localités où il y aurait inconvénient à admettre de tels Agents.

Cette réserve, toutefois, ne sera pas appliquée à l'une des Hautes Parties Contractantes, sans l'être également à tout autre Puissance.

II. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires de chacune des deux Hautes Parties Contractantes, avant d'être admis à l'exercice de leurs fonctions et de jouir des immunités qui y sont attachées, devront produire une commission dans la forme adoptée dans leurs pays.

Le Gouvernement territorial de chacune des deux Hautes Parties Contractantes leur délivrera, sans aucun frais, l'exéquatur nécessaire à l'exercice de leurs fonctions, et, sur l'exhibition de cette pièce, ils jouiront des droits, prérogatives et immunités accordés par la présente Convention.

Le Gouvernement qui accorde l'exéquatur aura la faculté de le retirer en indiquant les motifs pour lesquels il juge convenable de le faire.

III. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires de chacune des deux Hautes Parties Contractantes

jouiront réciproquement dans les États de l'autre de tous les privilèges, exemptions, et immunités dont jouissent les Agents de même qualité de la nation la plus favorisée.

Ils seront, lorsqu'ils sont citoyens de l'État qui les a nommés, exempts du logement militaire, de tout service, tant dans l'armée régulière de terre ou de mer que dans la garde nationale ou civique, ou milice.

Ils seront, pourvu qu'ils n'exercent aucun commerce ni aucune industrie, de même exempts de l'impôt personnel et de toutes autres impositions publiques perçues pour le compte de l'État, des provinces ou des communes, et ayant un caractère direct ou personnel, sans que cette immunité puisse jamais s'étendre aux droits de douane, d'accise ou d'octroi, ou aux contributions indirectes.

Il est bien entendu que les contributions auxquelles l'un de ces Agents pourrait être sujet à raison des propriétés foncières qu'il posséderait dans le pays où il exerce ses fonctions ne sont point comprises dans l'exemption ci-dessus mentionnée.

IV. Lorsque la justice de l'un des deux pays aura à entendre, comme témoin, un Consul-Général, Consul, Vice-Consul, ou Agent Consulaire de l'autre Haute Partie Contractante, citoyen de l'État qui l'a nommé, et n'exerçant aucun commerce ni aucune industrie, elle l'invitera par écrit à se présenter devant elle, et, en cas d'empêchement, elle pourra lui demander son témoignage par écrit, ou se transporter à sa demeure ou chancellerie pour obtenir sa déposition de vive voix.

Pour appeler un des dits Agents en témoignage devant la justice du pays où il réside, la partie intéressée s'il s'agit d'une affaire civile, ou l'accusé s'il s'agit d'une affaire pénale, devra en conséquence s'adresser au juge saisi de l'affaire, lequel invitera l'Agent, dans la forme déterminée au § 1 du présent Article, à faire sa déposition. Les dits Agents devront satisfaire à cette invitation, sans toutefois pouvoir y être contraints par les moyens ordinaires.

V. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront placer au-dessus de la porte extérieure de leur chancellerie ou de leur maison d'habitation un tableau aux armes de leur nation, avec une inscription portant ces mots : Consulat-Général, Consulat, Vice-Consulat, ou Agence Consulaire des Pays-Bas ou d'Italie.

Ils pourront aussi y arborer le drapeau de leur pays.

VI. Les archives Consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, visiter ou saisir les papiers qui en font partie.

VII. En cas d'empêchement, d'absence ou de décès des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, leurs Chanceliers ou Secrétaires, après que leur caractère officiel aura été notifié au Ministre des Affaires Étrangères à la Haye ou à Rome,

seront de plein droit admis à gérer par intérim les affaires du Consulat, et jouiront pendant la durée de cette gestion temporaire, pour autant que leur position comme étrangers non commerçants y donne lieu conformément à l'Article III, de tous les droits, privilèges et immunités accordés aux titulaires.

VIII. Les Consuls-Généraux et Consuls pourront nommer, avec l'approbation des Gouvernements respectifs, des Vice-Consuls et Agents Consulaires dans les villes, ports, et places compris dans leur arrondissement.

Ces Agents pourront être choisis indistinctement parmi les Néerlandais, les Italiens, ou les citoyens d'autre pays. Ils seront munis d'une commission régulière, et jouiront des privilèges stipulés dans cette Convention en faveur des Agents du service Consulaire, sauf les distinctions établies à l'Article III.

IX. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires des deux Hautes Parties Contractantes auront le droit de s'adresser aux autorités du pays, de la province, ou de la commune, dans toute l'étendue de leur arrondissement Consulaire, pour réclamer contre toute infraction aux Traités ou Conventions existants entre les Pays-Bas et l'Italie, et pour protéger les droits et les intérêts de leurs nationaux.

Si leurs réclamations n'étaient pas accueillies par ces autorités, ils pourraient avoir recours, à défaut d'un Agent Diplomatique de leur pays, au Gouvernement de l'État dans lequel ils résident.

X. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires auront le droit de recevoir dans leur chancellerie, dans leur demeure privée, dans celle des parties ou à bord des bâtiments, les déclarations des capitaines et équipages des navires de leur pays, des passagers qui se trouvent à bord, et de tout autre citoyen de leur nation.

Ils pourront traduire et légaliser toute espèce d'actes et de documents, émanés des autorités ou fonctionnaires de leur pays, et ces traductions, dûment légalisées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires, et munies de leur cachet officiel, auront la même force et valeur que si elles eussent été faites par les interprètes jurés du pays.

XI. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires respectifs seront, à la requête du capitaine ou de l'officier qui le remplace, exclusivement chargés de l'ordre intérieur à bord des navires de commerce de leur nation. Ils connaîtront seuls de tous les différends qui se seront élevés en mer ou qui s'élèveront dans les ports entre le capitaine, les officiers et les hommes de l'équipage, y compris ceux qui concernent le règlement des salaires et l'exécution des engagements réciproquement consentis. Les tribunaux ou autres autorités du pays ne pourront à aucun titre s'immiscer dans ces

différends, à moins que ceux-ci ne soient de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou que des personnes étrangères à l'équipage ne s'y trouvent mêlées.

XII. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires des deux pays pourront respectivement faire arrêter et renvoyer soit à bord, soit dans leur pays, les matelots qui auraient déserté d'un bâtiment de leur nation dans un des ports de l'autre.

À cet effet ils s'adresseront par écrit aux autorités locales compétentes, et justifieront par l'exhibition en original ou en copie dûment certifiée des registres du bâtiment, ou du rôle d'équipage, ou par d'autres documents officiels, que les individus qu'ils réclament faisaient partie du dit équipage.

Sur cette demande ainsi justifiée, il leur sera donné toute aide pour la recherche et l'arrestation des dits déserteurs, qui seront même détenus et gardés dans les maisons d'arrêt du pays à la réquisition et aux frais des Consuls-Généraux, Consuls, Vice-Consuls, et autres Agents Consulaires, jusqu'à ce que ces Agents aient trouvé une occasion de faire partir les déserteurs.

Si pourtant cette occasion ne se présentait pas dans le délai de deux mois, à compter du jour de l'arrestation, les déserteurs seraient mis en liberté, et ne pourraient plus être arrêtés pour la même cause.

Il est entendu que les marins sujets de l'autre Partie seront exceptés de la présente disposition.

Si le déserteur a commis quelque délit, il ne sera mis à la disposition du Consul qu'après que le tribunal qui a droit d'en connaître aura rendu son jugement, et que celui-ci aura reçu son exécution.

XIII. À moins de stipulations contraires entre les armateurs, chargeurs, et assureurs, toutes les avaries essuyées à la mer par les navires des deux pays, soit qu'ils abordent volontairement au port, soit qu'ils se trouvent en relâche forcée, seront réglées par les Consuls-Généraux, les Consuls, les Vice-Consuls, ou les Agents Consulaires des pays respectifs. Si, cependant, des habitants du pays ou des sujets ou citoyens d'une tierce nation se trouvaient intéressés dans les dites avaries, et que les parties ne pussent s'entendre à l'amiable, le recours à l'autorité locale compétente serait de droit.

XIV. Toutes les opérations relatives au sauvetage des navires Néerlandais naufragés sur les côtes d'Italie seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires des Pays-Bas, et réciproquement les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Italiens dirigeront les opérations relatives au sauvetage des navires de la nation, naufragés ou échoués sur les côtes des Pays-Bas.

L'intervention des autorités locales aura seulement lieu dans les

deux pays pour maintenir l'ordre, garantir les intérêts des sauveteurs, s'ils sont étrangers aux équipages naufragés, et assurer l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées. En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires, les autorités locales devront d'ailleurs prendre toutes les mesures nécessaires pour la protection des individus et la conservation des effets naufragés.

Il est de plus convenu que les marchandises sauvées ne seront tenus à aucun droit de douane, à moins qu'elles ne soient admises à la consommation intérieure.

XV. En cas de décès d'un sujet de l'une des Hautes Parties Contractantes sur le territoire de l'autre, s'il n'y a sur les lieux aucun héritier connu, présent ou représenté, ou aucun exécuteur testamentaire institué par le défunt, ou, en cas de minorité des héritiers, aucun tuteur, les autorités compétentes devront immédiatement donner avis du décès au Consul-Général, Consul, Vice-Consul, ou Agent Consulaire le plus rapproché, afin qu'il puisse en être donner connaissance aux parties intéressées.

Les dits Agents auront dans ces cas, jusqu'à ce que les héritiers ou les exécuteurs testamentaires institués par le défunt, ou les tuteurs, soient présents ou dûment représentés, le droit de faire, pour la conservation et l'administration de la succession, tous les actes que la loi du pays où ils résident permet aux exécuteurs testamentaires d'exercer dans l'intérêt des héritiers ou des créanciers.

XVI. La présente Convention, laquelle n'est pas applicable aux colonies Néerlandaises, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

Elle sera ratifiée aussitôt que possible, et restera en vigueur jusqu'au 1^{er} Janvier, 1878. Dans le cas où aucune des Parties Contractantes n'aurait notifié, 12 mois avant l'expiration de la dite période, son intention d'en faire cesser les effets, elle continuera à rester en vigueur pendant encore une année et ainsi de suite jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre l'aura dénoncée.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait en double expédition à la Haye, le troisième jour du mois d'Août, de l'an de grâce 1875.

(L.S.) VAN DER DOES DE WILLEBOIS.

(L.S.) VAN LYNDEN VAN SANDENBURG.

(L.S.) BERTINATTI.

CONVENTION entre les Pays-Bas et l'Italie, réglant les conditions auxquelles les Agents Consulaires de l'Italie seront admis dans les principaux Ports des Colonies Néerlandaises.
—Signée à La Haye, le 3 Août, 1875.

[Ratifications échangées le 3 Décembre, 1875.]

SA Majesté le Roi des Pays-Bas, voulant resserrer les liens d'amitié existant entre le Royaume des Pays-Bas et celui d'Italie, et assurer aux relations de commerce si heureusement établies entre les deux nations le développement le plus ample possible, a, pour atteindre ce but et pour satisfaire à un désir exprimé par le Gouvernement de Sa Majesté le Roi d'Italie, consenti à admettre des Consuls d'Italie dans les principaux ports des colonies Néerlandaises, sous la réserve toutefois de faire de cette concession l'objet d'une Convention spéciale, qui déterminât d'une manière claire et précise les droits, devoirs et immunités de ces Consuls dans les dites colonies.

À cet effet Sa Majesté le Roi des Pays-Bas a nommé, M. Pierre Joseph Auguste Marie van der Does de Willebois, Commandeur, &c., son Ministre des Affaires Étrangères; et le Baron Guillaume van Goltstein, Chevalier, &c., son Chambellan et Ministre des Colonies; et

Sa Majesté le Roi d'Italie, M. le Chevalier Joseph Bertinatti, Grand Officier, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Sa Majesté le Roi des Pays-Bas :

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

Art. I. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Italiens seront admis dans tous les ports des possessions d'outre-mer ou colonies des Pays-Bas qui sont ouverts aux navires de toutes nations.

II. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Italiens sont considérés comme des agents commerciaux, protecteurs du commerce maritime de leurs nationaux, dans les ports de la circonscription de leur arrondissement Consulaire.

Ils seront sujets aux lois tant civiles que criminelles du pays où ils résident, sauf les exceptions que la présente Convention établit en leur faveur.

III. Les Consuls-Généraux, Consuls, et Vice-Consuls, avant d'être admis à l'exercice de leurs fonctions et de jouir des immunités qui y sont attachées, doivent produire une commission en due forme au Gouvernement de Sa Majesté le Roi des Pays-Bas.

Après avoir obtenu l'exéquatur, qui sera aussi promptement que

possible contresigné par le Gouverneur de la Colonie, les dits fonctionnaires Consulaires de tout grade auront droit à la protection du Gouvernement et à l'assistance des autorités locales pour le libre exercice de leurs fonctions.

Le Gouvernement, en accordant l'exéquatur, se réserve la faculté de le retirer ou de le faire retirer par le Gouverneur de la Colonie, en indiquant les motifs de cette mesure.

IV. Les Consuls-Généraux, Consuls, et Vice-Consuls sont autorisés à placer au-dessus de la porte extérieure de leur maison un tableau aux armes de leur Gouvernement, avec l'inscription : Consulat ou Vice-Consulat d'Italie.

Il est bien entendu que cette marque extérieure ne pourra jamais être considérée comme donnant droit d'asile, ni comme pouvant soustraire la maison et ceux qui l'habitent aux poursuites de la justice territoriale.

V. Il est néanmoins entendu que les archives et documents relatifs aux affaires Consulaires seront protégés contre toute recherche, et qu'aucune autorité ni aucun magistrat ne pourra d'une manière quelconque et sous aucun prétexte les visiter, les saisir ou s'en enquérir.

VI. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires ne sont investis d'aucun caractère diplomatique.

Toute demande à adresser au Gouvernement Néerlandais devra avoir lieu par l'entremise de l'Agent Diplomatique résidant à la Haye.

À défaut de celui-ci et en cas d'urgence, le Consul-Général, Consul, ou Vice-Consul peut faire lui-même la demande au Gouverneur de la colonie, prouvant l'urgence et exposant les motifs pour lesquels la demande ne pourrait être adressé aux autorités subalternes, ou en démontrant que les demandes antérieurement adressées à ces autorités seraient restées sans effet.

VII. Les Consuls-Généraux et les Consuls ont la faculté de nommer des Agents Consulaires dans les ports mentionnés à l'Article I.

Les Agents Consulaires pourront être indistinctement des sujets Néerlandais, des Italiens, ou des nationaux de tout autre pays, résidant ou pouvant aux termes des lois locales être admis à fixer leur résidence dans le port où l'Agent Consulaire sera nommé. Ces Agents Consulaires, dont la nomination sera soumise à l'approbation du Gouverneur de la Colonie, seront munis d'un brevet délivré par le Consul, sous les ordres duquel ils exerceront leurs fonctions.

Le Gouverneur de la Colonie peut en tout cas retirer aux Agents Consulaires, en communiquant au Consul-Général ou Consul les motifs d'une telle mesure, l'approbation dont il vient d'être parlé.

VIII. Les passeports, délivrés ou visés par les fonctionnaires

Consulaires de tout grade, ne dispensent nullement de se munir de tous les actes requis par les lois locales pour voyager ou s'établir dans les colonies.

Au Gouverneur de la Colonie est réservé le droit de défendre le séjour dans la Colonie, ou d'ordonner la sortie de l'individu auquel serait délivré un passeport.

IX. Lorsqu'un navire Italien viendra à échouer sur les côtes d'une des colonies Néerlandaises, le Consul-Général, Consul, Vice-Consul, ou Agent Consulaire présent sur le lieu même du naufrage ou du sauvetage prendra en l'absence ou du consentement du capitaine toutes les mesures nécessaires et propres à sauver le navire, la cargaison, et tout ce qui y appartient.

En l'absence du Consul-Général, Consul, Vice-Consul, ou Agent Consulaire les autorités Néerlandaises du lieu où le navire aura échoué prendront les mesures prescrites par les lois de la colonie.

X. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires peuvent, pour autant que l'extradition des déserteurs des navires Italiens, marchands ou de guerre, a été stipulée par Traité, requérir l'assistance des autorités locales pour l'arrestation, la détention et l'emprisonnement des déserteurs de ces navires ; ils s'adresseront à cet effet aux fonctionnaires compétents et réclameront les dits déserteurs par écrit, en prouvant par les registres du navire, les rôles d'équipage, ou par tout autre document authentique, que les individus réclamés faisaient partie des équipages. La réclamation étant appuyée de cette manière, l'extradition sera accordée. Les autorités locales seront tenues à exercer toute l'autorité qu'elles possèdent, afin que l'arrestation des déserteurs ait lieu. Ces déserteurs arrêtés seront mis à la disposition des dits fonctionnaires Consulaires, et pourrout être écroués dans les prisons publiques, à la réquisition et aux frais de ceux qui les réclament, afin d'être dirigés sur les navires auxquels ils appartiennent, ou sur d'autres navires de la même nation. Mais si ces déserteurs ne sont pas renvoyés dans les 3 mois, à partir du jour de leur arrestation, ils seront mis en liberté et ne pourront plus être arrêtés pour la même cause.

Il est entendu toutefois que si le déserteur se trouvait avoir commis quelque crime, délit ou contravention, il pourra être sursis à son extradition, jusqu'à ce que le tribunal, saisi de l'affaire, ait rendu sa sentence, et que celle-ci ait reçu son exécution.

XI. Lorsqu'un sujet Italien vient à décéder sans laisser d'héritiers connus ou d'exécuteurs testamentaires, les autorités Néerlandaises, chargées selon les lois de la colonie de l'administration de la succession, en donneront avis aux fonctionnaires Consulaires afin de transmettre aux intéressés les informations nécessaires.

XII. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents

Consulaires d'Italie ont, en cette qualité, pour autant que la législation Italienne le permet, le droit d'être nommés arbitres dans les différends qui pourront s'élever entre les capitaines et les équipages des navires Italiens, et ce sans l'intervention des autorités locales, à moins que la conduite du capitaine ou des équipages n'ait été de nature à troubler l'ordre et la tranquillité du pays, ou que les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires ne requièrent l'assistance des dites autorités pour mettre leurs décisions à exécution ou en maintenir l'autorité.

Il est toutefois entendu que ce jugement ou arbitrage spécial ne privera pas les parties en litige du droit d'en appeler, à leur retour, aux autorités judiciaires de leur propre pays, quand la législation de ce dernier leur reconnaît ce droit.

XIII. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, qui ne sont point sujets des Pays-Bas, qui au moment de leur nomination ne sont point établis comme habitants dans le Royaume des Pays-Bas ou ses colonies, et qui n'exercent aucune fonction, profession ou commerce outre leurs fonctions Consulaires, sont, pour autant qu'en Italie les mêmes faveurs seraient accordées aux Consuls-Généraux, Consuls, et Vice-Consuls des Pays-Bas, exempts du logement militaire, de l'impôt personnel, et de plus de toutes les impositions publiques ou municipales qui seraient considérées comme étant d'une nature personnelle. Cette exemption ne peut jamais s'étendre aux droits de douane ou autres impôts indirects ou réels.

Les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires qui ne sont point indigènes ou sujets reconnus des Pays-Bas, mais qui exerceraient conjointement avec leurs fonctions Consulaires une profession ou un commerce quelconque, sont tenus de supporter et de payer comme les sujets Néerlandais et autres habitants les charges, impositions et contributions.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, sujets des Pays-Bas, mais auxquels il a été accordé d'exercer des fonctions Consulaires, conférées par le Gouvernement Italien, sont obligés d'acquitter toutes les impositions ou contributions de quelque nature qu'elles puissent être.

XIV. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires Italiens jouiront de tous les autres privilèges, exemptions et immunités dans les colonies Néerlandaises qui pourraient par la suite être accordés aux Agents de même rang de la nation la plus favorisée.

XV. La présente Convention restera en vigueur pendant 5 ans, à partir de l'échange des ratifications, lequel aura lieu dans le délai de 4 mois, ou plus tôt si faire se peut.

Dans le cas où ni l'une ni l'autre des Hautes Parties Con-

tractantes n'aurait notifié 12 mois avant l'expiration de la dite période de 5 années son intention d'en faire cesser les effets, la Convention continuera à rester en vigueur pendant encore une année à partir du jour où l'une des deux parties l'aura dénoncée.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le sceau de leurs armes.

Fait à La Haye, le troisième jour du mois d'Août de l'an de grâce 1875.

(L.S.) VAN DER DOES DE WILLEBOIS.

(L.S.) W. VAN GOLTSTEIN.

(L.S.) C. JH. BERTINATTI.

*DISCOURS du Roi de Suède, à l'Ouverture de la Diète.—
Stockholm, le 19 Janvier, 1874.*

(Traduction.)

MESSIEURS,

JE suis heureux de vous saluer au moment où, conformément à la constitution, vous allez commencer vos délibérations sur les affaires de la patrie.

Nos rapports avec les Puissances étrangères sont des plus satisfaisants. J'en ai reçu une nouvelle preuve cet été par les visites de plusieurs princes étrangers, parmi lesquels le Prince Impérial d'Allemagne est venu ici dans la capitale de la Suède.

À l'Exposition Universelle de Vienne notre pays a de nouveau participé d'une manière honorable à un concours avec les nations les plus civilisées et les plus industrieuses.

Un de mes plus grands soins a été de faciliter les relations entre les Royaumes-Unis par une meilleure organisation de leurs rapports de commerce et de navigation. À cet effet un projet de loi, élaboré dans l'ordre voulu pour les affaires communes, sera communiqué à la Diète ainsi qu'au Storthing de Norvège.

Une série d'années fécondes a augmenté le bien-être du pays à un degré jusqu'ici inconnu, et l'accroissement considérable des revenus de l'État en a été un des résultats. En même temps cependant qu'il a été plus facile pour le travail indépendant d'obtenir une rémunération élevée, les appointements alloués aux employés de l'État sont devenus de plus en plus insuffisants par suite du renchérissement incessant de tous les objets de première nécessité. Dans les cas où une augmentation fixe des appointements n'a pu être portée dès à présent sur le budget ordinaire, je vous proposerai donc une indemnisation provisoire à compter du commencement de l'année courante.

J'ai fait élaborer les bases d'une nouvelle organisation de l'armée

en conformité des principes qui se trouvent indiqués dans l'adresse présentée par vous lors de la dernière session ; et j'ai confié l'étude de cette organisation à une commission d'hommes compétents. Aussitôt que j'aurai examiné ce travail ainsi qu'un autre relatif à la marine, j'ai l'intention de vous les communiquer avant la clôture de la présente session.

Une enquête a été commencée également sur la question de l'abolition des impôts fonciers, question qui a été mise dans un rapport direct avec celle de l'organisation de la défense nationale.

Conformément à la demande de la Diète, un projet a été élaboré de transférer aux tribunaux ordinaires certaines affaires qui jusqu'ici ont été du ressort de l'administration. Ce projet, qui a été examiné par le Tribunal Suprême, vous sera soumis. J'ai aussi l'intention de vous proposer des réformes dans d'autres branches de la législation et de l'administration, ainsi que de vous soumettre un plan pour la continuation et l'achèvement des lignes de chemin de fer dont la construction pour le compte de l'État a été décidée.

En appelant sur vos travaux les bénédictions du Tout-Puissant, je déclare ouverte la présente session, et je vous assure, Messieurs, de mon affection et de ma bienveillance.

*DISCOURS du Roi de Suède, à la Clôture de la Diète.—
Stockholm, le 22 Mai, 1874.*

(Traduction.)

MESSIEURS,

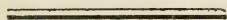
EN examinant le résultat de cette session, je tiens avant tout à exprimer ma satisfaction de ce que les deux représentations nationales ont adopté également le projet de loi présentée par moi dans le but de faciliter les rapports de commerce et de navigation entre les Royaumes-Unis. L'adoption de cette loi, le perfectionnement graduel des voies de communication, et les rapports plus intimes qui en résultent entre les deux peuples-frères de la presque île Scandinave, contribueront essentiellement à consolider leur union, dont le développement en esprit et en vérité est un des mes plus chers devoirs.

Parmi les questions importantes soumises à votre examen, plus d'une n'a pu, malgré vos travaux assidus, être terminée, et devra par conséquent être prise en nouvelle considération. Dans ces circonstances il m'est agréable de constater que, grâce à l'augmentation des sommes allouées pour l'instruction publique et les sciences, la propagation des lumières a été facilitée, et que les employés de l'État peuvent penser à l'avenir avec moins d'inquiétude par suite de votre

assentiment à divers points de mes propositions d'une augmentation fixe ou provisoire des appointements. Au développement de nos voies de communication, à l'importante législation sur les banques, et aux améliorations à introduire dans l'économie forestière, vous avez également voué une sollicitude qui devra porter des fruits dans l'avenir.

Je vous ai déjà fait part de l'état actuel des travaux relatifs au projet d'organisation de la défense nationale d'après les bases indiquées dans l'adresse présentée par vous lors de la dernière session ; et quant à la question de l'abolition des impôts fonciers qui est mise en rapport avec celle de la défense nationale, l'enquête y relative se poursuit aussi vite que le permet le caractère compliqué de la question.

Après avoir fini vos travaux pour le bien de la chose publique vous allez rentrer dans vos foyers pour y reprendre ceux qui vous sont assignés à chacun individuellement. Je fais des vœux pour que vous y trouviez le bonheur, et en appelant sur vous les bénédictions du Tout-Puissant, je déclare close la présente session, et je vous assure, Messieurs, de mon affection et de ma bienveillance.



*DISCOURS du Roi d'Italie, à l'Ouverture du Parlement.—
Rome, le 23 Novembre, 1874.*

(Traduction.)

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS :

MA première pensée, en me retrouvant au milieu des représentants de la nation, est d'adresser des paroles de reconnaissance au peuple Italien pour ses cordiales démonstrations à l'époque du vingt-cinquième anniversaire de mon règne.

Ces démonstrations ont été d'autant plus chères à mon cœur qu'elles ont été spontanées et générales.

Le zèle de la nouvelle Législature en poursuivant l'œuvre de la réorganisation de l'État sera, j'en ai la confiance, à la hauteur de l'affection dont le pays m'a donné la preuve.

La législation civile a été unifiée. La législation pénale doit l'être aussi. Elle a été l'objet de profondes études au Sénat, et elle vous sera de nouveau proposée. J'espère qu'un code digne de la science et du nom Italien naîtra de vos discussions.

La réforme du droit commercial, que le pays désire et que le Gouvernement avait promise, sera inaugurée par un projet de loi sur les sociétés. Le Gouvernement y aura moins d'ingérence : la responsabilité des administrateurs sera rendue plus efficace. Mon Gouvernement vous soumettra des mesures pour rétablir la sûreté

publique dans les provinces où elle viendrait à être gravement troublée. En accueillant ces mesures, vous suivrez l'exemple des nations les plus civilisées et des Parlements les plus jaloux des libertés publiques. La liberté cesse d'être appréciée par les populations si elle ne garantit la sécurité des personnes et des biens.

La nouvelle organisation militaire a donné de bons résultats, et je suis fier en voyant le progrès de l'armée, à laquelle je suis attaché par les affections les plus vives et les traditions les plus chères. Il faut achever cette œuvre et pourvoir aussi à la défense de l'État.

Le développement de la marine militaire, qui a une si grande importance pour notre avenir national, fera aussi le sujet de vos délibérations.

Mon Gouvernement vous présentera des projets de loi destinés à réorganiser quelques-uns des principaux impôts dans le but de les répartir plus équitablement, de les simplifier et de les rendre plus productifs. Ce sera là le commencement d'une réforme graduelle de notre système contributif et administratif, qui, formé dans des moments difficiles et agités, a besoin d'être soigneusement révisé.

En attendant, il faut s'arrêter dans les nouvelles dépenses ; le Parlement aura par conséquent à ne s'occuper que de celles pour lesquelles un engagement a été pris ou dont l'urgence est évidente. Toutefois, en vous les proposant, mon Gouvernement vous indiquera en même temps les mesures nécessaires pour y faire face.

De cette manière vous arriverez à mettre l'équilibre dans le budget du Royaume, ce qui est le plus vif désir de la nation. Ce sera là la meilleure compensation et le soulagement le plus efficace aux sacrifices que le peuple a supportés avec un noble courage.

La régénération Italienne restera ainsi pure de toute tache. L'Italie aura le mérite rare, dans l'histoire des transformations politiques, d'avoir toujours repoussé même l'idée de manquer à la foi publique.

Messieurs les Sénateurs, Messieurs les Députés, je suis heureux de vous assurer que nous continuons à être dans les meilleures relations avec toutes les Puissances étrangères. Je reçois avec joie des témoignages continuels du prix que les autres nations attachent à l'amitié de l'Italie.

C'est la récompense de la modération et de la fermeté de notre attitude. En persévérant de la sorte, l'Italie continuera à démontrer que la liberté unie à l'ordre peut résoudre les problèmes les plus difficiles, et elle ne faillira pas à sa glorieuse destinée.

À chaque pas nous avons été soutenus par la Providence. Cette année elle a donné au pays des récoltes abondantes dont profitent surtout les classes moins aisées. Leur bien-être ne cesse pas d'être l'objet de ma sollicitude. Continuons, par la constance de nos résolutions et de nos actes, à mériter la protection et l'assistance de

Dieu, à laquelle nous devons être reconnaissants de tant de résultats déjà obtenus.

*TRAITÉ d'Extradition entre la Suisse et l'Empire Allemand.—
Signé à Berlin, le 24 Janvier, 1874.*

[Ratifications échangées à Berlin, le 6 Juillet, 1874.]

Le Conseil Fédéral Suisse, d'une part, et Sa Majesté l'Empereur d'Allemagne, d'autre part, sont convenus de conclure un Traité relatif à l'extradition réciproque des malfaiteurs, et ont désigné dans ce but pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, Monsieur le Colonel Fédéral Bernard Hammer, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de l'Empire Allemand ; et

Sa Majesté l'Empereur d'Allemagne, Monsieur Hermann-Charles Wilke, son Conseiller intime de Légation ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Hautes Parties Contractantes s'engagent, par le présent Traité, à se livrer réciproquement, dans tous les cas prévus par les dispositions du Traité, les individus condamnés et accusés ou prévenus par les autorités de l'une des Parties Contractantes, comme instigateurs, auteurs ou complices de l'un des actes énumérés ci-dessous, et qui se seraient réfugiés sur le territoire de l'autre pays, savoir :

1. Meurtre et assassinat, y compris l'infanticide ;
2. Avortement prémédité ;
3. Exposition ou délaissement prémédité d'enfants ;
4. Enlèvement, suppression, substitution ou supposition d'enfants ;
5. Enlèvement de mineurs ;
6. Privation préméditée et illégale de la liberté personnelle de quelqu'un, qu'elle provienne d'un particulier ou d'un fonctionnaire public ;
7. Bigamie et polygamie ;
8. Viol ;
9. Excitation à la débauche de mineurs de l'un ou de l'autre sexe, dans les cas dans lesquels cet acte est puni par la législation des États Contractants ;
10. Mauvais traitements ou coups et blessures avec préméditation, ayant occasionné une maladie ou une déformation incurable ou pré-

sumée incurable, ou la perte de l'usage absolu d'un organe, ou ayant produit la mort sans l'intention de la donner ;

11. Vol, pillage et extorsions ;

12. Soustraction frauduleuse, dans les cas dans lesquels elle est punie par la législation des États Contractants ;

13. Esroquerie, banqueroute frauduleuse et préjudice frauduleux causé à la masse d'une faillite, dans les cas dans lesquels ces actes sont punissables, comme crimes ou délits, par la législation des États Contractants ;

14. Faux serment ;

15. Faux témoignage et fausse déclaration de la part d'experts ou d'interprètes ;

16. Subornation d'un témoin pour lui faire déposer un faux témoignage, ou d'un expert ou interprète pour lui faire faire une fausse déclaration ;

17. Falsification de documents ou de dépêches télégraphiques, usage de propos délibéré de documents ou de dépêches télégraphiques faux ou falsifiés, à condition qu'il y ait eu intention de tromper ou de nuire ;

18. Fausse monnaie, et notamment contrefaçon et altération du numéraire et du papier-monnaie ; émission ou mise en circulation intentionnelle de monnaies et de papier-monnaie contrefaits ou altérés ;

19. Contrefaçon ou falsification de billets de banque et d'autres titres de rente ou papiers-valeurs émis par l'État ou, sous l'autorité de l'État, par des corporations, des sociétés ou des particuliers ; émission ou mise en circulation intentionnelle de ces billets de banque, titres de rente ou autres papiers-valeurs contrefaits ou falsifiés ;

20. Incendie avec préméditation ;

21. Détournements ou extorsions de la part de fonctionnaires publics ;

22. Corruption de fonctionnaires publics dans le but de forfaiture.

23. Destruction préméditée et illégale, totale ou partielle, des chemins de fer, de machines à vapeur ou d'appareils télégraphiques ; destruction préméditée d'un convoi de chemin de fer sur la voie, en y plaçant ou jetant des objets, en dérangeant les rails ou leurs traverses, en enlevant les aiguilles ou les boulons, ou en préparant des obstacles de tout autre genre, propres à arrêter le train ou à le faire dérailler.

L'extradition peut aussi avoir lieu pour tentative de l'un des actes criminels énumérés sous les Nos. 1 à 23, si la tentative est punissable d'après la législation des pays contractants.

II. Toutefois les Gouvernements de l'Empire Allemand ne

livreront à la Suisse aucun citoyen Allemand, et le Gouvernement Suisse ne livrera à l'un de ces Gouvernements aucun citoyen Suisse.

Si, d'après les lois de l'État dont l'inculpé est ressortissant, il y avait lieu de le poursuivre pour les actes dont il s'agit, l'autre État devra transmettre les enquêtes et documents, les objets pouvant servir à constater les faits et tous les autres documents ou renseignements nécessaires à la procédure pénale.

Si l'individu réclamé n'est ni Allemand ni Suisse, l'État auquel la demande de l'extradition est adressée peut donner communication de cette demande au Gouvernement du pays dont le prévenu est ressortissant, et si ce Gouvernement réclame son ressortissant pour le déférer à ses propres tribunaux, le Gouvernement requis peut, à son choix, livrer l'individu poursuivi à l'un ou à l'autre des deux Gouvernements.

III. L'extradition ne pourra avoir lieu si l'individu réclamé par un Gouvernement Allemand a été soumis à une enquête et libéré de la prévention en Suisse, ou s'il s'y trouve encore en état de prévention, ou s'il y a déjà été condamné pour le même fait criminel pour lequel l'extradition est demandée : la même règle sera appliquée dans les États Allemands pour les individus se trouvant dans le même cas en Allemagne et qui seraient réclamés par le Gouvernement Suisse.

Si l'individu réclamé par l'un des deux pays se trouve dans l'autre en état de prévention pour un autre acte punissable, l'extradition sera ajournée jusqu'à ce que l'enquête soit terminée et qu'il ait, cas échéant, subi la peine à laquelle il aura été condamné.

IV. L'extradition ne pourra avoir lieu si l'acte punissable pour lequel l'extradition est demandée a par elle-même un caractère politique, ou si l'individu réclamé peut prouver que la demande d'extradition dirigée contre lui est faite dans l'intention de le poursuivre ou de le punir pour un crime ou délit de nature politique.

L'individu qui a été extradé pour l'un des crimes ou délits prévus par l'Article I ne pourra dans aucun cas être poursuivi, ni puni ou livré à un autre État pour un crime ou délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable crime ou délit.

Il ne pourra non plus être poursuivi ou puni pour un crime ou délit non prévu par la présente Convention, à moins qu'après avoir été puni ou acquitté pour le crime qui a donné lieu à l'extradition, il n'ait pas quitté le pays avant l'expiration d'un délai de 3 mois ou qu'il y soit rentré.

V. L'extradition ne sera pas effectuée si la prescription de l'action ou de la peine est acquise d'après les lois du pays où le prévenu s'est réfugié, depuis les faits imputés ou depuis la poursuite ou la condamnation.

VI. Une extradition motivée devra aussi être accordée, lors même que le prévenu serait empêché par là de remplir des obligations contractées envers des particuliers, sauf à la partie lésée à poursuivre ses droits devant l'autorité compétente.

VII.* L'extradition sera accordée sur une demande adressée par la voie diplomatique et sur la production d'un jugement de condamnation ou de mise en état d'accusation, d'un mandat d'arrêt soit de tout autre acte ayant la même force que ce mandat et indiquant le lieu et la gravité des faits poursuivis ainsi que la disposition applicable au fait incriminé. Ces pièces devront être communiquées en original ou en expédition authentique d'un tribunal ou de telle autre autorité compétente du pays réclamant. Ces pièces seront autant que possible accompagnées du signalement de l'individu réclamé et de toutes autres indications de nature à établir son identité.

VIII. Dans les cas d'urgence et notamment lorsqu'il y a danger de fuite, chacun des États Contractants pourra, en invoquant l'existence d'une condamnation, d'une mise en état d'arrestation ou d'un mandat d'arrêt, requérir et obtenir, même par voie télégraphique, l'arrestation provisoire du condamné ou prévenu, pourvu que le document dont l'existence est indiquée soit produit dans le délai de 20 jours après l'arrestation. Dans cette supposition et sous la même condition, l'individu poursuivi devra, en cas d'urgence, être provisoirement arrêté sur la demande qui en sera faite directement par l'autorité compétente.

IX. Les objets provenant de vol ou trouvés en possession du condamné ou prévenu, les instruments et outils dont il s'est servi pour commettre le crime ou délit, ainsi que toutes les autres pièces de conviction, devront être remis en même temps que l'extradition de l'individu arrêté. Cette remise doit s'effectuer lors même que l'extradition, après avoir été accordée, ne pourrait avoir lieu par suite du décès ou de l'évasion de l'accusé. Elle comprendra aussi tous les objets que le prévenu aurait cachés ou déposés dans le pays où il s'est réfugié et qui seraient découverts ultérieurement. Sont réservés toutefois les droits de tiers sur les objets mentionnés, et ceux-ci leur seront restitués sans frais après la clôture de la procédure.

X. Lorsqu'un autre Gouvernement livre un individu, les Parties Contractantes accordent le transit par leur territoire ou le transport de l'extradé sur leurs voies de communication ou leurs bateaux de service, pour autant que l'individu extradé n'appartient pas au pays de transit. Dans ce cas, il suffit d'une simple demande par voie diplomatique de l'État réclamant, appuyée des pièces nécessaires pour établir qu'il ne s'agit pas d'un délit politique ou purement militaire.

Le transport s'effectuera par les voies les plus courtes, sous la

* See Protocol, July 6, 1874. Page 148.

conduite d'agents du pays requis et aux frais du Gouvernement requérant.

XI. Les Parties Contractantes renoncent au remboursement des frais occasionnés par l'arrestation et l'entretien de l'individu réclamé, ou par son transport jusqu'à la frontière de l'État requis. Elles supporteront ces frais réciproquement.

XII. Lorsque dans la poursuite d'une affaire pénale non politique une des Parties Contractantes jugera nécessaire l'audition de témoins ou tous autres actes d'instruction dans le territoire de l'autre partie, une Commission rogatoire sera envoyée à cet effet par la voie diplomatique ou directement par l'autorité compétente de l'un des États à l'autorité compétente de l'autre État, et il y sera procédé en conformité de la législation du pays où le témoin doit être entendu; la demande peut être refusée si la procédure est dirigée contre un ressortissant du pays requis, non encore arrêté par l'autorité requérante, ou lorsque l'enquête a pour objet un acte qui n'est pas punissable à teneur des lois de l'État auquel la demande est adressée.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la Commission rogatoire, à moins qu'il ne s'agisse d'expertises criminelles, commerciales, ou médico-légales.

XIII. Si dans une enquête non politique la comparution personnelle d'un témoin demeurant dans l'autre pays est nécessaire ou désirable, son Gouvernement l'invitera à se rendre à la citation qui lui sera faite. En cas de consentement du témoin, des frais de voyage et de séjour lui seront accordés, à son choix ou d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, ou d'après ceux de l'État requis. Il pourra lui être fait, sur sa demande, par les autorités de sa résidence l'avance de tout ou partie des frais de voyage, qui seront ensuite remboursés par le Gouvernement requérant.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les juges de l'autre, ne pourra être poursuivi ni détenu pour des faits ou condamnations antérieures, civils ou criminels, ni sous prétexte de complicité dans les faits, objet du procès où il figure comme témoin.

XIV. Lorsque dans une cause pénale instruite dans l'un des deux pays, la confrontation de criminels détenus dans l'autre ou la production de pièces de conviction ou documents judiciaires appartenant à l'autre État sera jugée nécessaire, la demande en sera faite par la voie diplomatique ou par communication directe entre les autorités des Parties Contractantes, et l'on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer aussitôt que possible les criminels avec les autres pièces de conviction et documents.

Les frais de transport des individus et objets susmentionnés d'un État à l'autre seront à la charge du Gouvernement qui a fait la demande.

XV. Les Gouvernements Contractants s'engagent à se communiquer réciproquement les jugements pour crimes ou délits de tout genre, qui ont été rendus par les tribunaux de l'un des pays contre des ressortissants de l'autre. Cette communication aura lieu par la voie diplomatique, et l'envoi complet ou sous forme d'extrait du jugement prononcé et devenu exécutoire au Gouvernement du pays auquel appartient le condamné. Les deux Gouvernements Contractants donneront aux autorités compétentes les instructions nécessaires à cet effet.

XVI. La présente Convention est conclue pour 10 années.

Les Conventions concernant l'extradition de criminels conclues précédemment entre les divers États de l'Empire Allemand et la Suisse sont et demeurent abrogées.

Dans le cas où 6 mois avant l'expiration de 10 années, aucune des Parties Contractantes n'aurait déclaré y renoncer, elle sera valable pour 10 autres années et ainsi de suite de 10 ans en 10 ans.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention, et y ont apposé le cachet e leurs armes, sous réserve de la ratification des autorités législatives.

Fait à Berlin, le 24 Janvier, 1874.

(L.S.) HAMMER, *Colonel*.

(L.S.) WILKE.

PROTOCOL.

(Translation.)

Berlin, July 6, 1874.

On the occasion of the exchange of the ratifications of the Extradition Treaty concluded between the German Empire and Switzerland on the 24th of January this year, the Undersigned, in the name of the High Contracting Parties, have agreed, in reference to the execution of Article VII of this Treaty, that in extradition cases which require more speedy attention direct communication may take place between the Governments of the German Federal States adjacent to Switzerland and the Swiss Federal Council, as well as *vice versâ*, between the Swiss Federal Council and the Governments of the aforesaid Federal States.

Accordingly, the present Protocol has been signed in duplicate and exchanged.

VON BULOW.

HAMMER, *Colonel*.

BRITISH ORDER IN COUNCIL for the regulation of Hospital Dues levied on British Shipping in the Ottoman Dominions.—Windsor, May 13, 1875.

At the Court at Windsor, the 13th day of May, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS Her Majesty the Queen has power and jurisdiction within the Dominions of the Sublime Ottoman Porte :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts or otherwise in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows :—

1. This Order shall commence and have effect from and immediately after the expiration of 30 days from the date of its publication in the "London Gazette."*

2. Every Order in Council relating to the matters comprised in this Order is hereby repealed; but this repeal shall not affect any liability accrued under any such Order, or interfere with the institution or prosecution of any proceeding in respect of any such liability.

3. In this Order—

"The Ottoman Dominions" means the Dominions of the Sublime Ottoman Porte.

"Consul" includes Consul-General and Vice-Consul.

"British merchant-ship" means a merchant-ship being a British ship within "The Merchant Shipping Act, 1854,"† and the Acts amending the same.

4. Her Majesty's Consuls in the Ottoman Dominions may levy on British merchant-ships entering ports in their respective Consulates, dues not exceeding the rate of 2*l.* a ton.

5. The produce of the dues levied under this Order shall be applied towards the establishment, maintenance, and support, in the Ottoman Dominions, of British hospitals; and the dues shall be called hospital dues.

6. One of Her Majesty's Principal Secretaries of State may, from time to time, by writing under his hand, issue such instructions as to him seem fit, for the following purposes, or any of them; and may from time to time revoke or alter the same (that is to say) :—

For fixing (within the limit of 2*l.* a ton) the rate per ton at which dues are to be levied under this Order at any port :

For exempting any ship in respect whereof, within any defined period, dues have once been paid, from any further payment thereof :

* Published in the "London Gazette" of May 14, 1875.

† Vol. XLV. Page 1347.

For regulating the application of the produce of the dues :

For limiting the extent to which any Consul shall exercise jurisdiction over British subjects in the Ottoman Dominions in any matter relating to the dues :

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, amending the Table of Fees leviable under the Order in Council of December 12, 1873, for the regulation of Consular Jurisdiction in the Ottoman Dominions.†—Balmoral, October 26, 1875.*

At the Court at Balmoral, the 26th day of October, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS Her Majesty the Queen, having power and jurisdiction within the Dominions of the Sublime Ottoman Porte, by an Order of Her Majesty in Council, made at Windsor, the 12th day of December, 1873, was pleased to make provision for regulation of the power and jurisdiction aforesaid, the Third Schedule to which Order contained a table of Fees to be paid in Her Majesty's Consular Courts, and it has seemed good to Her Majesty that those fees should in some particulars be altered :

Now, therefore, Her Majesty, by virtue and in exercise of the powers in this behalf, by the Foreign Jurisdiction Acts, or otherwise, in Her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. The Order in Council made at Windsor, the 12th day of December, 1873, for the regulation of Consular jurisdiction in the Dominions of the Sublime Ottoman Porte shall, from and after the commencement of this Order, be read and have effect as if for the Third Schedule to that Order there were substituted the Schedule to this Order.

2. Notwithstanding anything in the said Order, where any money received before the commencement of this Order in respect of Fees under the said Third Schedule is in excess of the amount that would be payable in the like case under this Order, the same may be remitted or repaid, in whole or in part, or be otherwise dealt with, as the Commissioners of Her Majesty's Treasury think fit.

3. This Order shall commence and have effect from and immediately after the 31st day of December, 1875.

* Vol. LXIII. Page 59.

† Published in the "London Gazette" of November 2, 1875.

And the Lords Commissioners of Her Majesty's Treasury, and the Right Honourable the Earl of Derby, and the Right Honourable the Earl of Carnarvon, and the Most Honourable the Marquis of Salisbury, three of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein as to them may respectively appertain.

EDMUND HARRISON.

THE SCHEDULE.

Fees.

| <i>Service.</i> | <i>£ s. d.</i> |
|--|---|
| For service of summons, petition, answer, motion-paper, notice, warrant, decree, order, or other document on a party, witness, juror, assessor, or other person under any branch whatever of the civil jurisdiction— | |
| Within one mile (English) of Court | 0 2 6 |
| Beyond, for every further complete mile | 0 1 0 |
| <i>Decision of Questions without formal Suit.</i> | |
| On summons for issue or special case.. .. . | 1 0 0 |
| On issue or special case.. .. . | 0 10 0 |
| On hearing | 1 0 0 |
| <i>Summary Procedure for Administration of Property of Deceased Persons.</i> | |
| On summons | 1 0 0 |
| On order | 1 0 0 |
| <i>Summary Orders before Suit.</i> | |
| On application for order | 0 10 0 |
| On recognizance.. .. . | 0 10 0 |
| On order.. .. . | 0 5 0 |
| <i>Bankruptcy and Liquidation by Arrangement or Composition.</i> | |
| On declaration by a debtor of inability to pay his debts .. | 0 5 0 |
| On debtor's summons | 0 5 0 |
| On bankruptcy petition.. .. . | 5 0 0 |
| On petition for arrangement or composition | 1 0 0 |
| On order for adjudication | 1 0 0 |
| On meeting or adjournment of meeting | 1 0 0 |
| On special resolution presented to the Registrar for registration | $\frac{1}{4}$ per cent. on the gross amount of the assets, not exceeding a total fee of 200 <i>l.</i> $\frac{1}{4}$ per cent. on the gross amount of composition, not exceeding a total fee of 200 <i>l.</i> |
| On extraordinary resolution presented to the Registrar for registration | |
| On order of discharge | 2 0 0 |
| On notice to creditors, each | 0 0 3 |
| On preparing advertisement | 0 5 0 |

| | £ | s. | d. |
|---|---|----|----|
| On execution of warrant | 1 | 0 | 0 |
| On keeping possession, per diem ! | 0 | 10 | 0 |
| On inventory, per diem | 1 | 0 | 0 |

Maritime Cases and Vice-Admiralty Causes.

| | | | |
|---|---|---|---|
| On application for commission of survey | 1 | 0 | 0 |
| On appointment of commission | 1 | 0 | 0 |
| To each surveyor— | | | |

(a.) At Constantinople—

| | | | |
|--|---|---|---|
| For a vessel in the port, extending from the second bridge (immediately below the arsenal) to Tophané on the one side, and Seraglio Point on the other | 1 | 1 | 0 |
|--|---|---|---|

| | | | |
|---|---|---|---|
| For a vessel in the upper harbour, extending from the second bridge upwards towards Haskioi; or between Tophané and Bujukdéré on the one side, and Kadakioi and Beicos on the other | 2 | 2 | 0 |
|---|---|---|---|

| | | | |
|--|---|---|---|
| For a vessel between Bujukdéré on the one side, and Beicos on the other, and the Black Sea entrance of the Bosphorus; or between the Seven Towers and St. Stefano (inclusive), or Kadakioi and Prince's Island (inclusive) | 3 | 3 | 0 |
|--|---|---|---|

| | | | |
|--|--------------------------------|--|--|
| For a vessel beyond these limits, when the time occupied exceeds one day | Such sum as the Court directs. | | |
|--|--------------------------------|--|--|

(b.) At a Provincial Consulate—

| | | | |
|---|---|---|---|
| For a vessel within two miles (English) of the Court .. | 1 | 1 | 0 |
|---|---|---|---|

| | | | |
|---|--|--|--|
| For a vessel beyond that distance | Such sum as the Court, with the approval of the Supreme Consular Court, directs. | | |
|---|--|--|--|

| | | | |
|--|---|----|---|
| For extension of report of survey and copies | 1 | 10 | 0 |
| On petition for appointment of adjusters | 1 | 0 | 0 |

| | | | |
|-----------------------------------|---|--|--|
| To each adjuster | Such sum as the Court directs, not less than 1 <i>l.</i> , and not more than 20 <i>l.</i> | | |
| On extending average bond | The like. | | |

| | | | |
|------------------------------------|--------------------------------|--|--|
| To agent of owner of cargo | 1 per cent. on value of cargo. | | |
|------------------------------------|--------------------------------|--|--|

| | | | |
|---|---|----|---|
| On every notice, motion, application, or demand | 0 | 10 | 0 |
| On a reference to the Registrar | 5 | 5 | 0 |

| | | | |
|---|---|---|---|
| If the attendance of one or two merchants is required, to each merchant, per diem | 7 | 7 | 0 |
|---|---|---|---|

In cases of great intricacy and large amount—

| | | | |
|--|----|----|---|
| To the Registrar and to each merchant, per diem .. | 10 | 10 | 0 |
|--|----|----|---|

| | | | |
|--|---|---|---|
| On drawing the Report and Schedule | 1 | 0 | 0 |
|--|---|---|---|

| | | | |
|--|---|---|---|
| If at the hearing the attendance of one or two naval assessors is required, to each assessor, per diem, such sum as the Court directs, not exceeding | 5 | 5 | 0 |
|--|---|---|---|

Probate and Administration.

| | | | |
|---|---|----|---|
| On application for probate or administration | 1 | 0 | 0 |
| On oath of every executor, administrator, and surety .. | 0 | 10 | 0 |
| On every security | 1 | 0 | 0 |

| | | | |
|---|---|--|--|
| On probate or letters of administration with Will annexed | The like sum as is for the time being payable in England for stamp duty in like cases, not exceeding a total fee of 100 <i>l.</i> | | |
|---|---|--|--|

On letters of administration without Will annexed..

Where the Court appoints as administrator an officer of
the Court

On filing account
On passing account

The like sum as is
for the time being
payable in Eng-
land for stamp
duty in like cases,
not exceeding a
total fee of 150*l*.
In addition to the
foregoing, 1 per
cent. on the value
of the estate and
effects, not ex-
ceeding (with the
foregoing) a total
fee of 200*l*.

£ s. d.

0 10 0

1 0 0

Ordinary Suits.

In every suit of any kind whatever, other than such as
are before specified—

| | On Summons or on Petition. | On Hearing. |
|---|---|---|
| Where amount involved is— | £ s. d. | £ s. d. |
| Under 10 <i>l</i> | 0 2 6 | 0 2 6 |
| 10 <i>l</i> . and under 20 <i>l</i> | 0 2 6 | 0 5 0 |
| 20 <i>l</i> . and under 50 <i>l</i> | 0 7 6 | 0 10 0 |
| 50 <i>l</i> . or upwards | $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l</i> . | $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l</i> . |
| Where judicial relief or assistance is sought, but not the recovery of money | 1 0 0 | 1 0 0 |
| On every summons, motion, application, or demand, taken out, made, or filed (not particularly charged) | | 0 5 0 |
| On every rule | | 0 10 0 |
| On every decree or order (not particularly charged).. .. . | | 0 2 6 |
| On motion for new trial after trial with a jury | | 1 0 0 |
| On order for adjournment of hearing rendered necessary by default of either party (to be paid by that party) | | 0 7 6 |
| On every warrant of execution against goods (Rule 120)— | | |
| For less than 50 <i>l</i> | | 0 5 0 |
| For 50 <i>l</i> . or upwards | | 1 0 0 |
| For keeping possession, per diem | | 0 10 0 |

Appeal to Supreme Consular Court.

| | |
|---------------------------------------|--------|
| On motion for leave to appeal | 0 10 0 |
| On every security | 0 10 0 |
| On order for leave to appeal | 1 0 0 |

| | On Petition or Motion. | On Hearing. |
|---|---------------------------|-------------|
| | £ s. d. | £ s. d. |
| On appeal against adjudication of bank- ruptcy | 5 0 0 | 2 0 0 |
| On appeal against allowance, suspen- sion, or refusal of order of discharge in bankruptcy | 5 0 0 | 2 0 0 |

| | On Summons or Motion. | On Hearing. |
|--|--|--|
| | £ s. d. | £ s. d. |
| On appeal where judicial relief or assistance is sought, but not the recovery of money | 2 0 0 | 2 0 0 |
| On any appeal other than such as are before specified | $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l</i> . | $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 25 <i>l</i> . |
| <i>Appeal to Her Majesty in Council.</i> | | |
| On motion for leave to appeal | | 2 0 0 |
| On every security | | 2 0 0 |
| On order for leave to appeal | | 5 0 0 |
| On record of appeal (including expense of transmission) .. | | Such sum as the Court directs. |
| <i>Miscellaneous.</i> | | |
| On taxation of any bill of costs, for every ten folios, from each party to the taxation | | 0 5 0 |
| On every deposition taken before trial | | 0 10 0 |
| On deposit of money other than money paid into Court in a suit | | 2½ p. ct. on amount. |
| On deposit or registration of bill of sale, will, deed of partnership, or other document | | 1 0 0 |
| On notice of bill of sale filed | | 1 0 0 |
| For taking inventory, per diem | | 1 0 0 |
| For protest of a bill of exchange, and copy | | 1 0 0 |
| For noting same.. .. . | | 0 5 0 |
| For taking an affidavit | | 0 5 0 |
| For every exhibit | | 0 2 0 |
| For drawing a will | | Such sum as the Court directs. |
| For filing any document whatever | | 0 5 0 |
| For certifying signature or seal | | 0 2 0 |
| For attendance at a sale— | | |
| Where the purchase-money is under 100 <i>l</i> | | 1 10 0 |
| Where 100 <i>l</i> . or upwards | | 2 per ct. on amount. |
| On reference to the archives | | 0 2 6 |
| For certified copy of document in the archives— | | |
| For first 100 words | | 0 2 6 |
| For every further 100 words | | 0 1 0 |
| For preparing contracts between travellers and Dragomans or other persons | | 0 10 0 |
| For certified copy of such documents— | | |
| For first 100 words | | 0 2 6 |
| For every further 100 words | | 0 1 0 |
| For an official certified translation of any document— | | |
| For first 200 words | | 0 10 0 |
| For every further 200 words | | 0 5 0 |
| For communication between two Consular Courts | | 0 10 0 |
| For communication in writing to a foreign Consulate, or through Dragoman, to local Ottoman authority | | 0 10 0 |
| For application for Vizirial letter | | 0 10 0 |
| For despatch to accompany same | | 0 10 0 |
| For attendance of Dragoman or other Consular officer at Ottoman office or tribunal— | | |
| Where amount involved is | | |
| Under 250 <i>l</i> | | 0 10 0 |
| 250 <i>l</i> . and under 500 <i>l</i> | | 1 0 0 |
| 500 <i>l</i> . and under 1,000 <i>l</i> | | 2 0 0 |

| | | |
|---|---|--|
| 1,000 <i>l.</i> and upwards | } | $\frac{1}{2}$ per cent. on amount involved, not exceeding a total fee of 50 <i>l.</i> |
| For attendance of Dragoman or interpreter at Consular Court if required by a party in a suit | | Such sum as the Court directs, not exceeding 3 <i>l.</i> per diem. |
| <i>Criminal Matters.</i> | | |
| | | £ s. d. |
| On every summons or warrant, unless specially directed by the Court to be issued | | 0 2 0 |
| On hearing in summary case | | 0 2 6 |
| On warrant of commitment | | 0 1 6 |
| On recognizance.. .. . | | 0 1 0 |
| For service of notice on each juror or assessor | | 0 2 6 |
| On trial with a jury | | 0 10 0 |
| On record of sentence on a trial with a jury | | 0 10 0 |

COMMERCIAL CONVENTION between Austria and Roumania.—Signed at Vienna, June 22, 1875.

[Ratifications exchanged at Bucharest, June 1, 1876.]

LE Gouvernement de Sa Majesté l'Empereur d'Autriche, Roi de Bohême, &c., et Roi Apostolique de Hongrie, et le Gouvernement de Son Altesse le Prince de Roumanie, également animés du désir d'étendre et de développer les relations commerciales entre leurs États respectifs, ont résolu de conclure à cet effet une Convention et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur et Roi, le Sieur Jules Comte Andrassy de Csik-Szent-Király et Kraszna-Horka, son Conseiller Intime, Ministre de sa Maison et des Affaires Étrangères, Grand-Croix de l'Ordre de St. Etienne, &c. ; et

Son Altesse le Prince de Roumanie, le Sieur Georges Costa-Foru, son Agent Diplomatique, Grand-Croix de l'Ordre de François-Joseph, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Il y aura pleine et entière liberté de commerce et de navigation entre les sujets de la Monarchie Austro-Hongroise et ceux de la Principauté de Roumanie, qui pourront les uns et les autres s'établir librement dans le territoire de l'autre État. Les sujets de Sa Majesté l'Empereur et Roi en Roumanie, et les sujets de Son Altesse le Prince de Roumanie en Autriche-Hongrie, soit qu'ils s'établissent dans les ports, villes, ou lieux quelconques des deux territoires, soit qu'ils y résident temporairement, ne seront pas

soumis, dans l'exercice de leur commerce et de leur industrie, à des droits, impôts, taxes ou patentes sous quelque dénomination que ce soit, autres ni plus élevés que ceux qui seront perçus des nationaux : les privilèges, exemptions, immunités, et faveurs quelconques dont jouiraient, en matière de commerce et d'industrie, les sujets d'une des Hautes Parties Contractantes seront communs aux sujets de l'autre. Il est entendu que par cette disposition on n'a pas voulu déroger aux lois et ordonnances en vigueur dans les États des deux Hautes Parties Contractantes et applicables à tous les étrangers en général :

1. En Autriche-Hongrie, aux lois relatives au commerce de colportage et à l'exercice de la pharmacie ; et

2. En Roumanie, aux lois et prescriptions concernant la prohibition d'acquérir et de posséder des biens immeubles ruraux* (voir Article IV).

II.† Les négociants, les fabricants, et les industriels en général, qui pourront prouver d'avoir acquitté, dans le pays où ils résident, les droits et impôts nécessaires pour l'exercice de leur commerce et de leur industrie, ne seront soumis, à ce titre, à aucun droit ou impôt ultérieur dans l'autre pays, lorsqu'ils voyageront ou feront voyager leurs commis ou agents, soit avec soit sans échantillons, dans l'intérêt exclusif du commerce ou de l'industrie qu'ils exercent, et à l'effet de faire des achats ou de recevoir des commissions.

Les sujets des États Contractants seront réciproquement traités comme les nationaux, lorsqu'ils se rendent d'un pays à l'autre pour visiter les foires et marchés, dans le but d'y exercer leur commerce et d'y débiter leurs produits.

Les sujets d'une des Hautes Parties Contractantes qui exercent le métier de charretiers entre les divers points des deux territoires ou qui se livrent à la navigation, soit maritime, soit fluviale, ne seront soumis, par rapport à l'exercice de ces métiers et industries, à aucune taxe industrielle ou spéciale sur le territoire de l'autre.

Aucune entrave ne sera apportée à la libre circulation des passagers, et les formalités administratives relatives aux documents de voyage seront restreintes aux strictes exigences du service public au passage des frontières.

III. Les sujets de chacune des deux Hautes Parties Contractantes seront exemptes, sur le territoire de l'autre, de tout service militaire, sur terre et sur mer, tant dans la troupe régulière que dans la milice et la garde nationale. Ils seront dispensés également de toute fonction officielle obligatoire, judiciaire, administrative ou municipale, du logement militaire, de toute contribution de guerre, de toute réquisition ou prestation militaire de quelque sorte que ce soit, hormis cependant les charges attachées à la possession ou à la location de biens immeubles, ainsi que les prestations ou réquisitions

* See Protocole Final. Page 171.

† See Protocole Final. Page 172.

militaires auxquelles sont soumis tous les nationaux en leur qualité de propriétaires ou de locataires d'immeubles.

Ils ne pourront être assujettis, ni personnellement ni par rapport à leurs meubles ou immeubles, à d'autres devoirs, restrictions, taxes ou impôts qu'à ceux auxquels seront soumis les nationaux.

IV.* Les Roumains en Autriche-Hongrie et les Autrichiens et Hongrois en Roumanie auront réciproquement le droit d'acquérir et de posséder des biens de toute sorte et de toute nature, meubles ou immeubles, et en pourront librement disposer par achat, vente, donation, permutation, contrat de mariage, testament, héritage, et par quelque autre acte que ce soit, aux mêmes conditions que les nationaux, sans payer des droits, contributions, et taxes autres ou plus élevés que ceux auxquels sont soumis les nationaux en vertu des lois (voir Article I).

V. Les deux Hautes Parties Contractantes prennent l'engagement de n'empêcher le commerce réciproque de leurs sujets par aucune prohibition d'importation, d'exportation ou de transit.

Toutefois ne sont pas soumis à ces dispositions les articles suivants :—Le tabac sous toutes ses formes, le sel, les armes, la poudre, et les munitions de guerre. Ne sont pas compris dans cette restriction : les fusils, pistolets et armes de commerce, avec les objets et cartouches indispensables à leur usage.

Des mesures prohibitives pourront également être prises :—

1. Par égard à la police sanitaire et surtout dans l'intérêt de la santé publique et conformément aux principes internationaux adoptés à ce sujet; et

2. Dans des circonstances exceptionnelles, par rapport aux provisions de guerre.

Aucune des deux Hautes Parties Contractantes ne soumettra l'autre à une prohibition d'importation ou d'exportation qui n'aurait pas été applicable, dans les mêmes circonstances, à toutes les autres nations.

VI. Quant au montant, à la garantie, et à la perception des droits d'importation et d'exportation, ainsi que par rapport au transit, chacune des deux Hautes Parties Contractantes s'engage à faire profiter l'autre de toute faveur, de tout privilège ou abaissement dans les tarifs des droits, à l'importation ou à l'exportation des articles mentionnés ou non dans la présente Convention que l'une d'elles pourrait accorder à une tierce Puissance. Toute faveur ou immunité concédée plus tard à un tiers État sera étendue immédiatement, sans condition et par ce fait même, à l'autre Partie Contractante.

Les dispositions qui précèdent ne s'appliquent point—

1. Aux faveurs actuellement accordées ou qui pourraient être

* See Protocole Final. Page 172.

accordées ultérieurement à d'autres États limitrophes pour faciliter la circulation sur les frontières ; et

2. Aux obligations imposées à l'une des deux Hautes Parties Contractantes par des engagements d'une union douanière déjà contractée ou qui pourrait l'être à l'avenir.

VII.* Les produits du sol et de l'industrie de la Roumanie qui seront importés dans la Monarchie Austro-Hongroise et qui sont destinés soit à la consommation, soit à l'entrepôt, soit à la ré-exportation, soit au transit, y seront soumis au même traitement et ne seront passibles de droits ni plus élevés ni autres que les produits de la nation la plus favorisée.

VIII. Les objets de provenance ou de manufacture Autrichienne ou Hongroise seront exportés vers la Roumanie en franchise de droits de douane, à l'exception des articles grevés d'un droit de sortie vis-à-vis des nations les plus favorisées.

IX. Les objets de provenance ou de manufacture Autrichienne ou Hongroise énumérés dans le Tarif (A) joint à la présente Convention, et importés par terre ou par mer en Roumanie, y seront admis libres de tout droit d'entrée.

Les objets de la même provenance ou manufacture énumérés dans le Tarif (B) annexé à la présente Convention, et importés par terre ou par mer en Roumanie, y seront admis moyennant l'acquittement des droits d'entrée indiqués dans le dit Tarif, y compris tous les droits additionnels.*

Les objets et produits de provenance ou de manufacture Autrichienne ou Hongroise qui ne sont pas énumérés dans les Tarifs (A) ou (B) seront assujettis, à leur entrée en Roumanie, au paiement d'un droit unique d'importation de 7 pour cent de leur valeur au lieu d'origine et fixé conformément aux Articles XII à XVII de la présente Convention. Dans le paiement de ce droit de 7 pour cent seront compris tous les droits additionnels.

Il est entendu que les droits *ad valorem* seront remplacés d'un commun accord, aussitôt et autant que faire se pourra, par des droits spécifiques à acquitter au poids et à calculer également à raison de 7 pour cent.

Jusqu'à ce que cette réduction soit effectuée, les importateurs Autrichiens et Hongrois auront la faculté de choisir entre les droits *ad valorem* prévus par la présente Convention et les droits spécifiques à acquitter au poids ou au nombre et arrêtés soit par un Tarif Roumain général, soit par une Convention spéciale conclue avec une tierce Puissance.

X. Il sera prélevé en Roumanie sur les marchandises de toute nature exportées par terre ou par mer de la Principauté Roumaine dans la Monarchie Austro-Hongroise, à leur sortie et à titre d'en-

* See Protocole Final. Page 172.

registrement, les droits spécifiés dans le Tarif Roumain des droits de sortie promulgué par Son Altesse le Prince de Roumanie en date de Sinai, 6 Août, 1872.

Il est bien entendu que les droits de sortie en question ne dépasseront jamais 1 pour cent de la valeur des marchandises exportées.

Cette disposition n'est pas applicable dans les cas prévus par l'Article XVIII de cette Convention.

Seront également exempts de ce droit de sortie, hormis les articles indiqués déjà dans le susdit Tarif, les articles énumérés dans le Tarif (C) joint à la présente Convention.

Le Gouvernement Roumain se réserve en outre de frapper les drilles et chiffons, rognures de papier et maculature exportés de la Roumanie, des mêmes droits de sortie auxquels ces mêmes objets seraient soumis à l'exportation de l'Autriche-Hongrie.

XI. Les marchandises de toute nature venant de l'un des deux territoires ou y allant, seront réciproquement exemptes dans l'autre de tout droit de transit, soit qu'elles transitent directement, soit que, pendant le transit, elles doivent être déchargées, déposées et rechargées.

XII. Les droits *ad valorem*, dans les cas où la présente Convention les prévoit, seront calculés d'après la valeur au lieu de provenance de l'objet importé, augmentés des frais de transport, d'assurance, et de commission nécessaires pour l'importation dans l'un des deux territoires jusqu'à la frontière.

L'importateur devra joindre à sa déclaration écrite, constatant la valeur de la marchandise importée, une facture indiquant le prix réel et émanant du fabricant ou du vendeur.

XIII.* Des certificats d'origine seront exigés par les deux Hautes Parties Contractantes pour établir l'origine nationale de certaines marchandises importées ou exportées et désignées d'un commun accord. À cet effet l'importateur devra présenter à la Douane de l'autre pays, soit une déclaration officielle faite devant un magistrat siégeant au lieu d'expédition, soit un certificat délivré par le Chef du Service des Douanes du Bureau d'Exportation, soit un certificat délivré par les Agents Consulaires du pays dans lequel l'importation doit être faite et qui résident dans les lieux d'expédition ou dans les ports d'embarquement. La facture des marchandises en question présentée au Bureau de Douane respectif pourra exceptionnellement tenir lieu du certificat d'origine.

XIV. Si la Douane, dans les 24 heures après que la déclaration lui sera présentée, juge insuffisante la valeur déclarée, elle aura le droit de retenir les marchandises en payant à l'importateur le prix déclaré par lui, augmenté de 10 pour cent. Ce paiement devra être effectué dans les 15 jours qui suivront la déclaration, et les droits, s'il en a été perçu, seront en même temps restitués.

* See Protocol Final. Page 173.

XV. L'importateur contre lequel la Douane de l'un des deux pays voudra exercer le droit de préemption stipulé par l'Article précédent pourra, dans les 8 jours après que la décision de la Douane à ce sujet lui aura été communiquée, s'il le préfère, demander l'estimation de la marchandise par des experts. La même faculté appartiendra à la Douane lorsqu'elle ne jugera pas convenable de recourir immédiatement à la préemption ; seulement, elle devra communiquer à l'importateur sa décision à l'égard de cette expertise dans les 24 heures après qu'il lui aura présenté sa déclaration.

XVI. Si l'expertise constate que la valeur de la marchandise ne dépasse pas de 5 pour cent celle qui est déclarée par l'importateur, le droit sera perçu sur le montant de la déclaration.

Si la valeur dépasse de 5 pour cent celle qui est déclarée, la Douane pourra, à son choix, exercer la préemption ou percevoir le droit sur la valeur déterminée par les experts.

Ce droit sera augmenté de 50 pour cent à titre d'amende, si l'évaluation des experts est de 10 pour cent supérieure à la valeur déclarée.

Les frais d'expertise seront supportés par le déclarant, si la valeur déterminée par la décision arbitrale excède de 5 pour cent la valeur déclarée ; dans le cas contraire ils seront supportés par la Douane.

XVII. Dans le cas prévu par l'Article XV, les deux arbitres experts seront nommés, l'un par le déclarant, l'autre par le chef local du service des Douanes ; en cas de partage, ou même au moment de la constitution de l'arbitrage, si le déclarant le requiert, les experts choisiront un tiers arbitre : s'il y a désaccord, celui-ci sera nommé par le Président du Tribunal de Commerce du ressort. Si le bureau de déclaration est à plus d'un myriamètre du siège du Tribunal de Commerce, le tiers arbitre pourra être nommé par le Président du Tribunal le plus rapproché.

La décision arbitrale devra être rendue dans les 8 jours qui suivront la nomination des arbitres.

XVIII. Pour favoriser l'échange réciproque des produits sur la frontière des deux pays, les objets suivants seront admis et exportés des deux côtés, avec l'obligation de les faire retourner, en franchise temporaire des droits d'entrée et de sortie, et conformément aux ordonnances douanières et règlements émanés d'un commun accord des deux Hautes Parties Contractantes :—

(a.) Toutes les marchandises, à l'exception des aliments, qui, en sortant du libre trafic sur le territoire d'une des deux Hautes Parties Contractantes, seront expédiées aux foires et marchés sur le territoire de l'autre, ou qui, sans cette destination, seront transportées sur le territoire de l'autre Partie Contractante pour y être déposées dans les entrepôts ou magasins de Douane, ainsi que les échantillons importés réciproquement par les commis-voyageurs des maisons Autrichiennes, Hongroises, ou Roumaines, à condition que toutes

ces marchandises et ces échantillons soient reconduits au pays d'où ils proviennent, dans un délai précédemment établi ;

(b.)* Le bétail conduit d'un territoire à l'autre aux marchés ou au pacage. Dans ce dernier cas la franchise des droits d'entrée et de sortie sera également étendue aux produits respectifs tels que le lait, le beurre et le fromage recueillis pendant le séjour sur l'autre territoire et les animaux mis bas pendant ce même séjour, ainsi qu'aux effets et au mobilier des paysans ou pasteurs qui accompagnent les bestiaux ;

(c.) Les objets destinés à être réparés sans que leur nature et leur dénomination commerciale subissant un changement essentiel ;

(d.) Les sacs d'emballage et les futailles vides portant des signes d'usage.

XIX. Les marchandises soumises au traitement de l'acquit à caution, et passant immédiatement du territoire d'une des deux Hautes Parties Contractantes à celui de l'autre, ne seront point déballées, et les scellés ne seront pas levés et remplacés, sous la réserve que l'on ait satisfait aux exigences du service combiné à cet égard.

En général, les formalités du service douanier seront simplifiées et les expéditions s'effectueront dans le même lieu, par l'organe d'une seule autorité, et seront accélérées autant que possible.

XX.* Les deux Hautes Parties Contractantes auront soin de réunir dans la même localité, autant que faire se pourra, leurs bureaux de douane établis sur la frontière, afin que les opérations douanières, au passage des marchandises d'un territoire à l'autre, puissent être effectuées simultanément.

XXI.* Si l'une des deux Hautes Parties Contractantes juge nécessaire d'établir, ou de faire établir par les autorités municipales et autres, un droit nouveau ou un supplément du droit d'accise ou de consommation sur un article de production ou de fabrication nationale prévu par la présente Convention, l'article similaire étranger pourra être immédiatement grevé à l'importation d'un droit égal.

En conséquence, les marchandises importées du territoire d'une des deux Hautes Parties Contractantes ne seront passibles, à leur entrée dans le territoire de l'autre, d'aucun droit d'accise ou de consommation sous quelque dénomination que ce soit, si les marchandises de même nature ne sont ni produites ni fabriquées dans ce dernier pays.

XXII.* Les marchandises de toute nature originaires d'Autriche-Hongrie et importées en Roumanie, et les marchandises de toute nature originaires de Roumanie et importées en Autriche-Hongrie, ne pourront être assujetties, ni par les autorités de l'État ni par les administrations municipales ou autres, à des droits quelconques

* See Protocole Final. Page 173.

d'accise ou de consommation supérieurs à ceux qui grèvent ou grèveraient les marchandises similaires de production nationale.

XXIII. Les deux Hautes Parties Contractantes s'engagent à coopérer, par des moyens convenables, pour empêcher et punir la contrebande dirigée contre leurs territoires, à accorder, à cet effet, toute assistance légale aux employés de l'autre État chargés de la surveillance, à les aider et à leur faire parvenir, par les employés de finance et de police, ainsi que par les autorités locales en général, toutes les informations dont ils auront besoin pour l'exercice de leurs fonctions.

À ce sujet des règlements spéciaux seront arrêtés d'un commun accord.

XXIV.* Les sujets de l'une des deux Hautes Parties Contractantes jouiront, sur le territoire de l'autre, de la même protection que les nationaux, pour tout ce qui concerne les marques de fabrique et de commerce, ainsi que les dessins et modèles de toute espèce.

Le Gouvernement de Son Altesse le Prince de Roumanie présentera aux Chambres Roumaines et cherchera à faire sanctionner, dans le délai d'un an, une loi sur les marques, dessins et modèles de fabrique et de commerce, conforme aux dispositions généralement admises en cette matière.

Le droit exclusif d'exploiter un dessin ou un modèle industriel ou de fabrique ne peut avoir, au profit des Autrichiens et Hongrois en Roumanie et des Roumains en Autriche-Hongrie, une durée plus longue que celle fixée par la loi du pays à l'égard des nationaux. Si le dessin ou modèle industriel appartient au domaine public dans le pays d'origine, il ne peut être l'objet d'une jouissance exclusive dans l'autre pays.

Les dispositions précédentes sont applicables aux marques de fabrique et de commerce.

XXV. Les sujets de Sa Majesté l'Empereur et Roi ne pourront réclamer en Roumanie la propriété exclusive d'une marque, d'un modèle ou d'un dessin, s'ils n'en ont déposé deux exemplaires au greffe du Tribunal de Commerce à Bucarest.

Réciproquement les sujets Roumains ne pourront réclamer en Autriche-Hongrie la propriété exclusive d'une marque, d'un modèle ou d'un dessin, s'ils n'en ont déposé deux exemplaires soit à la Chambre de Commerce de Vienne, soit à celle de Buda-Pesth.

XXVI.* Aucun droit spécial, quel qu'il soit, ne sera perçu ni des navires sur le Danube, ni des marchandises à bord de ces navires, à l'exception des droits de péage à payer par les navires aux embouchures du Danube et aux Portes de Fer.

Il en sera de même pour les marchandises importées ou exportées réciproquement par la voie du Danube qui, après avoir acquitté les droits d'entrée ou de sortie établis par la présente Convention, ne

seraient assujetties à aucun droit additionnel. Toutefois les taxes actuellement en vigueur dans les ports du Danube et établies dans le seul but d'y améliorer le stationnement des navires et de favoriser l'exécution de certains travaux publics, destinés à faciliter le chargement ou le déchargement des marchandises, pourront être prélevées aussi à l'avenir à titre d'un droit additionnel spécial, tant des navires que des marchandises aux conditions des règlements spéciaux publiés à ce sujet.

En conséquence les marchandises importées en Roumanie ou exportées de cet État par la voie du Danube et soumises au paiement des droits d'entrée ou de sortie spécifiques et acquittables au poids seront assujetties, dans les villes situées sur les bords de ce fleuve et pour les effets susindiqués, à un droit additionnel de 5 pour cent du montant des droits d'entrée respectifs à payer en vertu de la présente Convention.

Les marchandises importées ou exportées par cette même voie et soumises au paiement des droits *ad valorem* seront passibles, à ce même titre, d'un droit additionnel spécial de $\frac{1}{2}$ pour cent de leur valeur constatée en conformité de la présente Convention.

De même les bâtiments et navires de toute sorte, s'arrêtant dans les ports et villes le long de la rive Roumaine du Danube, auront, quand ils feront usage des quais de l'État ou des communes, à payer, à ce même titre et pour les mêmes effets, une taxe de quaiage à raison de 20 centimes par tonne et d'après la gradation suivante : sur le tiers du tonnage, si la quantité des marchandises embarquées ou débarquées n'excède pas le tiers ; sur deux tiers, si elle excède le tiers et n'arrive pas à deux tiers ; et sur le tout, si elle est au-dessus de deux tiers de la portée utilisable du navire. Aucun navire touchant pendant un et le même voyage, soit en amont, soit en aval du fleuve, à plusieurs échelles de la rive Roumaine, ne pourra être assujetti au paiement des taxes de quaiage qui, en leur totalité, excéderaient le montant de ces droits calculés à raison de 20 centimes sur toute la portée du navire.

Le tonnage des navires sera établi d'après le système et les règles adoptés par la Commission Européenne du Danube. Les bâtiments d'État, de poste et de passagers faisant usage des quais, seront exemptés du paiement de cette taxe ; et seront maintenues, en outre, toutes les autres exemptions accordées aux navires jusqu'à présent, à quelque titre que ce soit.

XXVII. Jusqu'au moment où les règlements de navigation ou de police fluviale pour le Danube prévus par l'Article XVII du Traité de Paris de 1856* auront été arrêtés, les lois et prescriptions promulguées à ce sujet par chacune des deux Hautes Parties Contractantes seront combinées, autant que possible, d'un commun

* Vol. XLVI. Page 8.

accord et dans l'intérêt du développement de la navigation sur le Danube, et adaptées aux principes en vigueur sur tout le parcours du fleuve et notamment sur sa partie en aval d'Isaktscha.

XXVIII. Toutes les facilités accordées jusqu'à présent, des deux côtés, à la navigation fluviale sur le Danube, seront maintenues à l'avenir et étendues autant que possible.

Les bateaux à vapeur qui font un service régulier de transport y pourront opérer, même pendant la nuit, les chargements et déchargements sans un retard quelconque. Les capitaines de ces bateaux ou leurs représentants remettront, à leur arrivée, aux Bureaux ou Organes de Douane, une déclaration spécifiant les marchandises déchargées. Les fonctionnaires de Douane pourront opérer, en cas de besoin, des visites et des recherches à bord des navires avec l'assistance des Organes Consulaires du pays auquel ces navires appartiennent et qui résident dans le même lieu. La citation qui sera adressée à cet effet aux Consuls, Vice-Consuls, et autres Organes Consulaires respectifs indiquera une heure précise ; et si ces Organes Consulaires négligeaient de s'y rendre en personne ou de s'y faire représenter par un délégué, il sera procédé en leur absence. Aucune pénalité ne sera infligée au capitaine d'un bateau si le nombre des colis déchargés est inférieur à celui porté dans la déclaration présentée, quand le capitaine ou qui de droit n'aura pas négligé d'en informer le Bureau de Douane immédiatement après le déchargement total effectué dans une station, toutefois avant que la Douane n'ait constaté la différence.

Les capitaines de ces bateaux ne seront point tenus à se présenter devant les autorités locales pour faire ériger le "costitud" ou d'autres documents analogues et qui ne seraient pas indispensables.

XXIX. Les compagnies de navigation et les propriétaires des bateaux faisant un service régulier de transport sur le Danube pourront acquérir, aux débarcadères des stations de leurs bateaux, les terrains nécessaires pour l'installation de leurs bureaux, ateliers et magasins, et il leur sera permis d'y établir des magasins spéciaux qui seront considérés comme entrepôts dès qu'ils répondront à toutes les exigences des lois du pays en vigueur à ce sujet.

XXX. Eu égard aux circonstances exceptionnelles créées aux relations commerciales entre la Monarchie Austro-Hongroise et la Principauté de Roumanie sur cette partie de leurs territoires où leurs frontières se touchent immédiatement, ainsi que par la voie du Danube, et vu le caractère spécial du commerce qui, par suite des conditions du sol et de la nature des produits des deux pays, est un complément indispensable pour l'existence des habitants réciproques, on est convenu, à cette occasion, au sujet de ce commerce, d'un arrangement spécial dont les stipulations se trouvent consignées dans un Acte Additionnel qui fait partie intégrante de la présente Convention.

XXXI. La présente Convention restera en vigueur pendant 10 années, à partir du jour de l'échange des ratifications. Dans le cas où aucune des Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de la dite période, son intention d'en faire cesser les effets, elle demeurera obligatoire jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des deux Hautes Parties Contractantes l'aura dénoncée.

Les dispositions qui précèdent seront exécutoires dans les deux États un mois après l'échange des ratifications.

Les deux Hautes Parties Contractantes se réservent le droit d'introduire plus tard et d'un commun accord, dans cette Convention, des modifications qui seraient jugées conformes à son esprit et à ses principes et dont l'opportunité serait démontrée par l'expérience.

XXXII. La présente Convention sera ratifiée, et les ratifications en seront échangées à Bucarest aussitôt que possible.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé le sceau de leurs armes.

Fait en double expédition à Vienne, le 22 Juin, 1875.

(L.S.) G. COSTA-FORU.

(L.S.) ANDRASSY.

TARIF (A).—*À l'Entrée en Roumanie.*

| Dénomination des Articles. | Base. | Droits. |
|--|----------------------|---------|
| Céréales en général | } Exempts de droits. | |
| Pétrole brut and raffiné | | |
| Bois de construction | | |
| Minerais de fer | | |
| Fer et acier brut, en barres ou en barreaux, prismatiques ou ronds | | |
| Peaux brutes | | |
| Charbons de terre (houille, lignite, &c.) | | |
| Livres en général, œuvres de cartographie en feuilles volantes ou réunies en atlas, gravures, lithographies et photographies en feuilles volantes ou réunies en albums, œuvres de musique, gravées, lithographiées ou imprimées en caractères mobiles .. | | |
| Instruments et appareils de démonstration servant à l'usage de l'enseignement de tous les degrés | | |
| Objets d'art et de curiosité destinés aux musées publiques ou aux collections privées | | |
| Machines à vapeur en général, fixes ou mobiles | | |
| Machines et instruments agricoles de toute espèce | | |
| Machines de toute espèce, servant à l'exercice d'une profession ou d'une industrie quelconque | | |
| Suifs et produits dérivés (stéarine, oléine, &c.), en général toutes les matières premières destinées à la fabrication des bougies de stéarine et du savon, ainsi que les produits accessoires nécessaires à cette fabrication | | |
| Drilles et chiffons de toute espèce | | |
| Matières tinctoriales et produits chimiques nécessaires à l'industrie | | |

TARIF (B).—*Droits à l'Entrée en Roumanie.*

| Nos. courants. | Dénomination des Articles. | Unités sur lesquelles portent les droits. | Taux des droits à l'impor- tation. | Tare en pour cent du poids brut.* |
|-------------------|--|---|---|--|
| 1 | Sucre— | | Fr. | |
| | (a.) Raffiné, en pains, concassé, ou en poudre; sucre-candi, sucre de fruits, et solution de sucre .. | 100 K. N. | 20 | 12 en caisses et en futaillies. |
| | (b.) Sucre brut et cassonade (en farine) | " | 12 | 4 en sacs ou en ballots. |
| | (c.) Sirops et mélasses | " | 6 | |
| 2 | Bière— | | | |
| | (a.) En bouteilles et en cruchons | " | 15 | 20 en caisses. |
| | (b.) En futs | " | 8½ | 25 en doubles futs. 15 en futs simples. |
| 3 | Spiritueux distillés, de toute espèce, telles que eaux-de-vie, alcools, rhum, arrack, essence de punch, liqueurs, et autres spiritueux su- crés ou non sucrés | " | 25 | 20 en caisses. 25 en doubles futs. 15 en futs simples. |
| 4 | Cire— | | | |
| | (a.) Brute, blanche, ou jaune, de toute espèce | " | 43 | |
| | (b.) Ouvrée, blanche ou jaune, telle que cierges, figures, fleur ou autres préparations de toute sorte | " | 55 | 12 en caisses et en futaillies. |
| 5 | Bougies de stéarine et de sperma- ceti, de toute sorte | " | 25 | |
| 6 | Savons de toute espèce, à l'except- ion des savons de parfumerie .. | " | 15 | |
| 7 | Papiers et papeteries— | | | |
| | (a.) Ordinaires, c'est-à-dire, pa- piers gris ou autres d'emballage, simples or goudronnés, cartons ordinaires, papier de verre, pa- pier à l'éméri, et autres simi- laires | " | 8 | |
| | (b.) Papiers non spécialement dé- nommés | " | 19 | |
| | (c.) Papiers de teinture, de toute espèce | " | 40 | |
| | (d.) Papiers de luxe, c'est-à-dire, papiers dorés et argentés, pa- piers avec ornements en relief ou à l'emporte-pièce, papiers à lettres avec monogrammes ou dessins et enveloppes correspon- dantes, papier de Chine; ainsi qu'ouvrages en papier simple, ou combinés avec d'autres ma- tières, à l'exception des métaux précieux, des pierres fines et semi-fines, du corail vrai, des perles fines, de l'ambre, du jais et de l'écaille | " | 60 | 16 en caisses et 6 en ballots. |

* Pour les marchandises qui, conformément au présent Tarif, ne sont passibles que d'un droit maximum de 7 fr. 50 c. par 100 kilog., ainsi que pour celles qui ne portent aucune indication de tare, les droits seront perçus au brut.

| Nos. courants. | Dénomination des Articles. | Unités sur lesquelles portent les droits. | Taux des droits à l'importa- tion. | Tare en pour cent du poids brut. |
|-------------------|--|--|--|---|
| 8 | <p>Tissus de laine—</p> <p>(a.) Ordinaires, savoir : couvertures grossières à longs poils (Paturi, Tsoluri), draps pour vareuses grossières dits de halina (Aba, Zeghe, Dimie), drap brut, tapis de laine de toute espèce, à la pièce ou au mètre</p> <p>(b.) Draps et autres tissus analogues aux draps, non imprimés, ainsi que flanelles de toute sorte, blanches ou colorées</p> <p>(c.) Tous autres tissus de laine non comprise ci-dessus aux lettres (a) et (b), à l'exception des châles et des dentelles ; de même tous articles de passementerie, boutonnerie, et rubannerie de laine</p> <p>(d.) Articles de bonneterie de laine, de toute sorte, même garnis d'autres tissus</p> <p>(e.) Feutres, de toute espèce ; ainsi que les articles de feutre suivants : semelles, chaussons avec ou sans semelles, et chapeaux de feutre grossier à l'usage des paysans et des soldats</p> | <p>100 K.N.</p> <p>„</p> <p>„</p> <p>„</p> <p>„</p> <p>„</p> | <p>Frs.</p> <p>30</p> <p>58</p> <p>90</p> <p>150</p> <p>26</p> | <p>15 en caisses. 6 en ballots.</p> |
| 9 | <p>Tissus de coton—</p> <p>(a.) Ordinaires, tels que : écrus, non blanchis, non teints, non apprêtés, non façonnés ; mèches tisées, résilles, filets et sangles ..</p> <p>(b.) Semi-fins, tels que : apprêtés, blanchis, teints (sauf les imprimés), façonnés ou non ..</p> <p>(c.) Fins, tels que imprimés : tissus veloutés</p> <p>(d.) Extra-fins, tels que : tulle Anglais, bobbinets, mousseline, linon, gaze et autres tissus légers, à l'exception des dentelles ..</p> <p>(e.) Articles de passementerie, de boutonnerie, de rubannerie ..</p> <p>(f.) Articles de bonneterie de coton de toute sorte, même garnis d'autres tissus</p> | <p>„</p> <p>„</p> <p>„</p> <p>„</p> <p>„</p> <p>„</p> | <p>20</p> <p>25</p> <p>45</p> <p>90</p> <p>80</p> <p>150</p> | <p>15 en caisses. 6 en ballots.</p> |
| 10 | <p>Cuir (peaux tannées) et ouvrages en cuir—</p> <p>(a.) Cuirs ordinaires non dénommés spécialement</p> <p>(b.) Cuirs fins, tels que : teints, à l'exception des cuirs simplement noircis, pressés, vernis, dorés ou argentés ; ainsi que cuirs mégis et chamisés, peaux de gants, cuir marroquin, cor-</p> | <p>100 K. B.</p> | <p>40</p> | |

| Nos. courants. | Dénomination des Articles. | Unités sur lesquelles portent les droits. | Taux des droits à l'impor- tation. | Tare en pour cent du poids brut. |
|-------------------|---|---|---|---|
| | douan, peaux dites de castor, &c. | 100 K. B. | Frs. 70 | |
| | (c.) Ouvrages en cuir, ordinaires, tels que : ouvrages de cordon- nier, de sellier, d'harnacheur, de malletier, en cuir ordinaire ; même combinés avec d'autres matières, à l'exception de celles énumérées au No. 7 (d) | 100 K. N. | 45 | 16 en caisses. 12 en paniers. 6 en ballots. |
| | (d.) Ouvrages en cuir fins (sauf les gants), savoir, ceux énu- mérés ci-dessus à la lettre (c), même combinés avec d'autres matières, à l'exception de celles nommés au No. 7 (d) | ,, | 90 | |
| 11 | Ouvrages en caoutchouc*— (a.) Ordinaires, tels que : articles en caoutchouc non verni, non teint, non imprimé, même com- binés avec d'autres matières, à l'exception de celles énumérées au No. 7 (d) | 100 C. N. | 45 | Tare la même qu'au No. 10. |
| | (b.) Fins, tels que : articles en caoutchouc verni, teint, im- primé, même combinés avec d'autres matières à l'exception de celles énumérées au No. 7 (d) | ,, | 90 | |
| 12 | Ouvrages en bois— (a.) Tout à fait ordinaires, tels que : ouvrages de tonnelier, de menuisier, de tourneur, gros- siers, bruts ; ouvrages de char- ron et autres ouvrages en bois simplement rabotés ou taillés ; ouvrages de vannerie communs ; tous ces articles ni peints, ni passés au mordant, ni laqués, ni vernis, ni polis, ni combinés avec d'autres matières | 100 C. B. | 2 | |
| | (b.) Ordinaires, tels que : bois sciés en feuilles pour placage, parquets, non marquetés ; liège en plaques, en feuilles, en se- melles et en bouchons ; tous ces articles bruts | ,, | 5 | |
| | (c.) Fins, tels que : ustensiles de ménage (meubles), parquets marquetés, ainsi que tous ces articles désignés ci-dessus aux lettres (a) et (b) peints, passés au mordant, laqués, vernis, polis, même combinés avec des mé- taux communs, du cuire ordi- naire, de la canne, du roseau et | | | |

* Les articles en gutta percha suivent le régime de ceux en caoutchouc.

| Nos. courants. | Dénomination des Articles. | Unités sur lesquelles portent les droits. | Taux des droits à l'importa- tion. | Tare en pour cent du poids brut. |
|-------------------|--|---|---|---|
| | autres matières fibreuses végétales | 100 C. N. | Frs. 9 | 16 en caisses et en futailles. 1 en ballots. |
| | (d.) Extra-fins, tels que : ouvrages de bois marquetés, incrustés, sculptés ; ouvrages fins de tourneur et de vannier, en bois doré, horloges de la Forêt Noire, feuillets pour placage en marqueterie, et en général tous les articles non désignés ci-dessus au lettres (a), (b), et (c), même combinés avec d'autres matières, sauf celles énumérées au No. 7 (d), enfin meubles rembourrés, recouverts ou non .. | „ | 50 | |
| 13 | Verre— (a.) Moulé, dépoli, gravé, sculpté, façonné, massif ; tous ces objets non colorés, non taillés.. .. | 100 K. N. | 20 | 30 en caisses et en futailles. 20 en paniers et en demi-caisses. |
| | (b.) Taillé, coloré, peint, doré, argenté ; pendeloques de lustres.. | „ | 50 | |
| 14 | Eaux minérales naturelles et factices, en bouteilles et en cruchons. | 100 K. B. | 1 | |
| 15 | Instruments— (a.) Clavécins, pianos et pianinos. | Valeur | 6 pour ct. | |
| | (b.) Tous autres instruments de musique | „ | 5 „ | |
| | (c.) Instruments d'astronomie, de chirurgie, d'optique (à l'exception des lunettes montées, binocles et lorgnettes de théâtre), de mathématiques, de physique, et de chimie (pour laboratoires) | 100 K. | Exempts | |
| 16 | Couleurs préparées, liquides ou solides en poudre, en tablettes, en vessies, en coquilles, en flacon ou en boîtes avec ou sans leurs accessoires | 100 K. B. | 60 | |

TARIF (C).—*À la Sortie de la Roumanie.*

| Dénomination des Articles. | Base. | Droits. |
|--|--------------------------------|---------|
| Sel | Exempts du droit de sortie. | |
| Tabac en feuilles ou fabriqué sous toutes ses formes | | |
| Farines | | |
| Livres, œuvres de cartographie et de musique, imprimés en Roumanie | | |
| Vins et vinaigres | | |
| Eaux de vie, alcools et bières | | |
| Pétrole brut et raffiné | | |
| Produits des mines exploitées en Roumanie | | |
| Produits manufacturés en général | | |

ACTE ADDITIONNEL. (Trafic des districts des frontières.)

Afin de donner au trafic des districts des frontières respectives les facilités qu'exigent les besoins du commerce journalier, les deux Hautes Parties Contractantes sont convenus de ce qui suit :—

1. Resteront libres de tout droit de douane à l'importation et à l'exportation à travers les frontières Austro-Hongroise et Roumaine en Autriche-Hongrie et en Roumanie—

(a.) Toutes les quantités de marchandises dont la somme totale de droits à lever n'atteint pas le chiffre de 2 kreuzer v. a. ou 5 centièmes de francs ;

(b.) Herbe, foin, paille, fanes, mousse pour emballage et calfatage, plantes fourragères, joncs et cannes ordinaires, plantes vivantes (plants et provins de vigne), céréales en gerbes ou en épis, plantes légumineuses, chanvre et lin, non battus, pommes de terre ;

(c.) Ruches avec abeilles vivantes ;

(d.) Sang de bestiaux ;

(e.) Lait doux et lait caillé ;

(f.) Charbons de bois, de terre, tourbe, charbons de tourbe ;

(g.) Pierres à bâtir et de taille, pierres à paver et meules, pierres ordinaires à aiguiser, couteaux ordinaires pour faux et faucilles, toutes les pierres soit taillées soit non taillées, mais ni polies ni taillées en dalles scories, cailloux, sable, chaux et plâtre crus, marne, argile et en général toute sorte de terre ordinaire, servant à fabriquer des briques, pots, pipes et vases ;

(h.) Briques ;

(i.) Sons, pains de colza et autres déchets de fruits pressés et cuits et de semences oléagineuses ;

(j.) Charrée végétale ou de houille, engrais, vinasses, lavures, drêche, marc, balagures, tessons de marchandises en pierre ou en argile, lavures d'or et d'argent, limon ;

(k.) Pain et farine en quantité de 10 kilog. ; viande fraîche en quantité de 4 kilog. ; fromage en quantité de 3 kilog. ; beurre frais en quantité de 2 kilog.

2. Resteront également libres de tout droit de douane à l'importation en Autriche-Hongrie à travers les frontières Austro-Hongroise et Roumaine, ainsi que par la voie du Danube à travers tous les ports de ce fleuve, tant de la Roumanie que de l'Autriche-Hongrie, les céréales en général produit du sol de la Roumanie.

3. Les vins de toute sorte, produit du sol de l'Autriche-Hongrie, importés en Roumanie par les voies mentionnées dans l'Article précédent, payeront à leur entrée en Roumanie, soit en futailles, soit en bouteilles, un droit *ad valorem* de 5½ pour cent.

Les vins de la Roumanie entreront par toutes les frontières de l'Autriche-Hongrie en ne payant, soit en futailles, soit en bouteilles,

que les droits d'entrée accordés à la nation la plus favorisée, sans que leur position d'aujourd'hui soit dans aucun cas aggravée.

4. Seront exempts des droits de douane d'importation et d'exportation et jouiront de libre passage en dehors des routes douanières les bêtes de labour, instruments agricoles, le mobilier et les effets que les paysans domiciliés aux extrêmes frontières importeront ou exporteront par la ligne douanière pour leurs travaux agricoles ou par suite du changement de leur domicile.

5. Les animaux vivants importés d'un territoire à l'autre ne paieront réciproquement à leur entrée que les droits d'importation qui sont ou seront prélevés en Autriche-Hongrie dans le commerce de frontière, conformément aux stipulations des Traités conclus à ce sujet avec les nations les plus favorisées.

6. Les farines et farineux alimentaires, produit de l'industrie de l'Autriche-Hongrie, seront libres de tout droit de douane à l'importation en Roumanie à travers les frontières Austro-Hongroise et Roumaine, ainsi que par la voie du Danube à travers tous les ports de ce fleuve.

7. Les produits du sol provenant des propriétés des sujets des deux Hautes Parties Contractantes qui se trouveraient par la ligne frontière Austro-Hongroise et Roumaine séparées des logis et fermes seront exempts des droits d'entrée et de sortie à leur transport dans ces bâtiments (habitations ou fermes).

Les concessions contenues au No. 1 et au No. 4 sont cependant limitées aux habitants d'une enceinte le long de la frontière qui ne dépasserait pas en Autriche-Hongrie et en Roumanie la distance de 10 kilomètres.

8. Les deux Hautes Parties Contractantes s'entendront sur les précautions et mesures à prendre afin de pouvoir accorder pour certaines localités, où on le jugera nécessaire, le libre passage en dehors des routes douanières des objets qui sont exempts en Autriche-Hongrie et en Roumanie des droits de douane tant à l'entrée qu'à la sortie, conformément aux lois et règlements de chaque pays.

PROTOCOLE FINAL.

Au moment de procéder à la signature de la Convention de Commerce conclue à la date de ce jour entre l'Autriche-Hongrie et la Roumanie, les Plénipotentiaires soussignés du Gouvernement de Sa Majesté l'Empereur et Roi et du Gouvernement de Son Altesse le Prince de Roumanie ont fait au sujet des Articles sousmentionnés de cette Convention les réserves et les déclarations suivantes :—

ART. I. Par les mots "biens immeubles ruraux" insérés au dernier alinéa du Article I on n'a pas voulu exclure les maisons et constructions de toutes sortes établies sur ces biens immeubles ruraux, et qui sont également soumises à la même restriction.

Il est entendu, en même temps, entre les deux Hautes Parties Contractantes que, par la disposition de cet Article, on n'a pas voulu déroger aux droits de chaque Gouvernement de prendre par des lois et des règlements toutes les mesures nécessaires de police et de sûreté, et notamment celles par rapport à l'établissement de tout individu dans une commune rurale avec l'autorisation seulement du Conseil Municipal; toutefois ces lois et ordonnances ne pourraient entraver d'aucune façon la liberté de commerce et ne devraient porter atteinte aux droits et privilèges stipulés réciproquement, par la présente Convention, en faveur des nationaux des deux pays.

ART. II. Le Plénipotentiaire Roumain déclare que son Gouvernement a l'intention de révoquer dans le plus bref délai, avant l'exécution de la présente Convention encore, le règlement qui exige aujourd'hui que celui qui passe la frontière soit nanti d'une certaine somme d'argent.

ART. IV. Il est bien entendu que par les dispositions de cet Article IV les deux Hautes Parties Contractantes n'entendent nullement déroger aux restrictions faites par le dernier alinéa de l'Article I au sujet du droit d'acquérir et de posséder des biens immeubles ruraux.

ART. VII. Le Tarif Conventionnel actuellement en vigueur en Autriche-Hongrie se composant des Tarifs spéciaux annexés au Traité de Commerce conclus par l'Autriche-Hongrie avec la France en date du 11 Décembre, 1866,* avec l'Italie en date du 23 Avril, 1867,† avec l'Union Douanière de l'Allemagne en date du 9 Mars, 1868,‡ et avec la Grande Bretagne en date du 30 Décembre, 1869,§ il est entendu que, par suite du principe de la nation la plus favorisée dont jouit la Roumanie en vertu de la présente Convention, elle participera, à l'avenir, à tous les bénéfices, conséquences et modifications qui résulteraient d'un changement ultérieur de ces Traités et de ces Tarifs spéciaux.

ART. IX. Les deux Hautes Parties Contractantes sont tombées d'accord de réunir immédiatement, après que la présente Convention sera conclue par l'échange des ratifications, une Commission Mixte qui sera chargée de compléter, dans l'espace de 4 mois, le Tarif Conventionnel dont il est fait mention dans les Articles IX et X, tant pour les droits d'importation que pour ceux d'exportation.

Dans le cas où la Commission ne tombera pas d'accord pendant ce délai, elle aura à procéder immédiatement après, pour les articles non réglés, à l'élaboration d'un tarif spécifique sur le pied d'un droit *ad valorem* de 7 pour cent, en prenant pour base les valeurs Autrichiennes et Hongroises portées au Tableau de Commerce Austro-Hongrois pour l'année 1873, et augmentées de 15 pour cent. Ce travail sera achevé dans 15 jours.

* Vol. LVJ. Page 244.

† Vol. LVIII. Page 777.

‡ Vol. LIX. Page 103.

§ Vol. LIX. Page 14.

Il est convenu que les mots “y compris les droits additionnels” à l’alinéa 2 ne se rapportent nullement à la question des octrois en Roumanie, qui se trouve réglée par l’Article XXI de la Convention.

Il est également convenu que la liberté de commerce ne pourra jamais être entravée par aucune disposition de monopole ou autre qui pourrait être en contradiction avec les dispositions de la présente Convention, et notamment avec celles des Articles V et XXI.

ART. XIII. Le cas échéant on s’entendra, d’un commun accord, sur les marchandises pour lesquelles la nécessité d’exiger des certificats d’origine serait démontrée.

ART. XVIII. Par rapport à l’alinéa b de l’Article XVIII il est entendu que pour toutes les bêtes qui ne retournent pas, excepté celles qui seraient mortes pendant le passage, on payera, au retour des troupeaux, les droits d’importation respectifs.

ART. XX. Dans l’intérêt du commerce les Plénipotentiaires Austro-Hongrois et Roumain expriment le désir que les bureaux douaniers Austro-Hongrois et Roumains traitent, autant que possible, simultanément les marchandises soumises à leurs opérations.

Quant à l’établissement des bureaux mixtes de Douane, les deux Hautes Parties Contractantes tomberont d’accord sur les principes à adopter à ce sujet. Cependant, il est entendu dès à présent que ces principes ne pourront être autres que ceux contenus dans le Traité de Commerce et de Douane passé entre l’Autriche-Hongrie et l’Union Douanière de l’Allemagne le 9 Mars, 1868.*

ARTS. XXI et XXII. Les dispositions de ces Articles n’affectent en rien le droit des communes de frapper par des taxes d’octroi ou d’accise les boissons et les liquides, les comestibles, les combustibles, les fourrages et matériaux à leur entrée dans la commune; quand même ces articles n’auraient pas de similaires en Roumanie.

Néanmoins ces droits ne peuvent être supérieurs aux taxes les plus élevées prévues par les lois Roumaines actuellement en vigueur. Le maximum des droits dont il s’agit dans ce cas est réglé par les lois Roumaines :—

Du 29 Novembre, 1871, No. 262 ; Du 25 Février, 1875, No. 421 ;
 Du 14 Février, 1875, No. 328 ; Du 26 Février, 1875, No. 425 ;
 Du 14 Février, 1875, No. 330 ; Du 20 Mars, 1875, No. 588 ;
 Du 19 Février, 1875, No. 376 ; Du 20 Mars, 1875, No. 589 ;
 Du 25 Février, 1875, No. 420 ;

ainsi que par l’Article LXXXIV de la Loi du 25 Novembre, 1871.

ART. XXIV. Il est convenu que si le Projet de Loi en question ne rencontrait pas l’assentiment des Chambres, le Gouvernement de Sa Majesté l’Empereur et Roi ne se verrait nullement lié par le présent Article.

ART. XXVI. Les Plénipotentiaires Austro-Hongrois et Roumain

reconnaissent que les droits additionnels prévus comme exception aux principes énoncés à l'Article XXVI ne sauraient autoriser le Gouvernement Princier à y introduire des modifications qui grèveraient les marchandises ou les navires d'un droit quelconque dépassant les taux des taxes indiquées dans l'Article en question.

Le présent Protocole, qui sera considéré comme approuvé et sanctionné par les deux Gouvernements, sans autre ratification spéciale, par le seul fait de l'échange des ratifications sur la Convention à laquelle il se rapporte, a été dressé, en double expédition, à Vienne le 22 Juin, 1875.

(L.S.) G. COSTA-FORU.

(L.S.) ANDRASSY.

SPEECH of the President of Chile, on the Opening of Congress.—Santiago, June 1, 1874.

(Translation.)

FELLOW-CITIZENS OF THE SENATE AND OF THE CHAMBER
OF DEPUTIES,

THE year that has just passed away adds a fresh page to the history of progress in the Republic. Our institutions have gained strength, our credit has extended, freedom and law have struck still deeper roots throughout the spheres of social activity. Such is, in fact, a compendious sketch of our existence during the year that expires to-day; and in inaugurating your sessions for the third time, and giving you an account of the Government's labours, I must, first of all, render to Divine Providence the humble tribute of our gratitude for the special benefits with which we have been unceasingly favoured.

Our international relations continue frank and friendly. I expect that an approaching and mutually satisfactory arrangement will put an end to the questions which we are at present discussing with Bolivia and with the Argentine Republic. This expectation is the more just and reasonable, in that, as a final result, we only require the faithful and literal execution of the international compacts which have solemnly pledged the faith and honour of the 3 fraternal nations. I call your special attention to the Postal Convention which has been concluded with the German Empire, and which will soon be presented to you. I hope it will meet with your approval, for it is intended to facilitate our communications with that nation, and to increase our commercial relations with it.

At home we have continued with energy the works imposed upon us by various legislative orders. The railway between San Felipe and the Andes is finished, and has been at work since the 12th of

February last; that between Talcahuano and Chillan—a most important work begun by the late Administration—was completed and given up to public service in the middle of April last. The traffic on this grand line will feel for some months to come the inconveniences of having been begun with scanty appliances and when there was still much to be done; but the interest of the southern provinces required that sacrifice, and I thought it my duty to make it. The works of the new lines between Curicó and Angol are going on rapidly, and we are not aware of anything that is likely to retard or stop them. I flatter myself with the hope that, in February next, steam will put us in communication with the city of Talca, by making use of temporary bridges over the intervening rivers. The difficulties at first encountered in the prolongation of the northern railway to the Custom-house warehouses having been overcome, and a new street formed in Valparaiso, those works are now proceeding with due activity. To provide that railway with all the things which it urgently requires, I am making use of the authority which you gave me last year; we cannot, however, undertake at once all the works already sanctioned, and even if we could, it would be more prudent not to charge one year with the heavy expenses which, according to law, may be spread over three. I shall soon ask your authority to make the final surveys for a railway between Santiago and Valparaiso through the Departments of Melipilla and Casablanca; I think the State ought hardly to undertake the construction of that line until the extensive and costly works which are now going on shall be finished, for they require all our resources; were it not that the extraordinary progress of the country might justify its entering upon that important work even before the others are completed. But, at all events, it will be very useful to have a thorough survey of it made, so that there may be a definitive decision as to whether it is practicable or not, and, if it is practicable, to ascertain the cost, and to provide the means for carrying it out, if thought expedient.

The works in the new palace for the Congress are proceeding with diligence, and though it may not be certain that you will be able to occupy it for the last sessions of the coming year, there is no doubt that those of the Legislative Chambers of 1873 will be inaugurated therein. I announce to you with sincere pleasure that the new hospital of San Vicente de Paul is already finished; this work is for the most part due to the generosity of the charitable inhabitants of this capital, with the hearty support of the Government and the indefatigable zeal of the contractors in completing an undertaking of such magnitude in so short a time; availing myself of the happy occasion of your first meeting, I propose to inaugurate that establishment at once, and hope you will honour its opening with

your presence. I have entered into a contract with the South American Steamer Company, and it will soon be submitted for your approval; it imposes an annual charge of 100,000 dollars upon the State for 10 years, in return for services and conditions which I consider important. It is for you to decide whether the development of our mercantile marine and the facilities offered to commerce by means of the security that the tariffs of freights and fares will be fixed in concert with the Government, are or are not worth the sacrifice of money which that contract demands.

I have paid special attention to the interesting labour of codifying the old and defective Spanish laws by which we are still ruled. The draft code for mining and that for organizing the attributions of the courts of justice are already finished, and in a few more days will be submitted to your consideration. The Commission has been appointed to revise the draft code for civil procedure; and, considering the industry with which it has begun its important work, there is hope that it may be soon brought to a conclusion. A draft code for criminal procedure has also been diligently compiled, for which you have granted the funds in the current estimates. Notable progress has been made in the erection of new prisons and in repairing the old ones, whilst important improvements have been introduced into the penal service of some of those establishments.

Public instruction in all its branches has been the subject of my most anxious care. Under the authority that you gave me, a site has been obtained for the Valparaiso Lyceum, and the construction thereof begun on a scale in accordance with its position. Considerable works have been carried out in the two sections of the National Institute and in some provincial lyceums. The number of public schools has been augmented so far as the resources at our disposal allowed. I am glad to inform you that the Government's proposal for improving and extending primary instruction meets with the active support of the inhabitants even in the most distant towns, and with the co-operation of various associations which have taken up the patriotic task.

The fiscal revenues in 1873 were 15,392,557 dollars, an increase upon those in 1872 of 1,549,269 dollars. The revenue for the first 4 months of this year shows an excess of 682,000 dollars over that for the same period of last year; the receipts of the Valparaiso Custom-house figure to the extent of 168,000 dollars in this excess. These results are very satisfactory, if we bear in mind the extraordinary increase of our revenue in 1872. The public expenses in 1873 were 16,066,391 dollars, of which 3,249,893 dollars were for works executed in virtue of special laws, and with the extraordinary resources therein granted, the total amount of commercial operations in 1873 was 66,736,698 dollars, which gives an increase of

5,000,000 dollars over that of the year 1872. Dividing the total value of trade operations among the inhabitants of the country, we get a figure for each of them not inferior to that reached last year by the most advanced and flourishing countries. Under the authority conferred upon me by the Law of the 3rd of December last, I have entered into a contract by public competition to try the cultivation and manufacture of tobacco in the country; this is an indispensable preliminary to a judicious reformation of the monopoly. Two courses of agricultural education, primary and superior, are already established; these will open a new career, very much to the benefit of a country chiefly devoted to agriculture. The construction of Custom-house warehouses at Valparaiso goes on satisfactorily; at the beginning of next year many of them will be ready for use. The works of the great pier in the port of that city are progressing under able and diligent superintendence, but they have serious difficulties to contend with, owing to the formation of the bay. The preparations for the International Exhibition, which is to be opened on the 16th of September, 1875, are very forward; the countries with which we have commercial relations have accepted our invitations. The buildings which are in course of erection for the purpose will be finished in due time, and, as they are of a solid character, they may be used afterwards for periodical exhibitions or other equally important undertakings. Up to the present time I have not made any use of the several powers you have granted me for the issue of bonds to pay for the costly works that are going on, nor do I think of doing so just yet; considering the general state of the market, I shall wait for a more favourable opportunity. Meanwhile, some of those works have been completed, such as the terminal stations of Palmilla and the Andes, and all the rest are pushing on rapidly by means of the funds derived from the last loan, which are now applied to meet expenses which at the beginning were defrayed from ordinary revenue. This consideration will demonstrate to you the urgent necessity of hastening the various financial projects; there is all the more reason for this, inasmuch as you thought fit to vote last year an estimate of expenses for the present one, notoriously in excess of our actual revenues.

The army and navy have exhibited their usual self-denial, morality, and discipline in the discharge of the duties entrusted to them by the nation. The Law of the 26th of November last, which awarded a gratuity to the soldiers who served in the war of independence, has already been applied; 73 generals and officers and 155 privates have up to this time established their claims under it. Proper measures have been taken in time to provide officers and seamen for the ships which are soon to be added to our squadron. The explorations on the south coast, in which our sailors have been

engaged for some years, have been continued this year on the coast of the province of Llanquihue; the hydrographic office, recently created, will in future give those interesting labours the regularity and unity which they lacked. The project of a military code submitted for your approval contains provisions which will improve that branch of our legislation; I recommend it to you for discussion and enactment. The project relative to the pay of the seamen of our squadron, and that for the expropriation of a site for marine warehouses, are likewise intended to meet urgent necessities of the public service. Fellow-Citizens of the Senate and of the Chamber of Deputies!

The Government has so far performed a good part of its task; it is for you to continue your able and indispensable co-operation to impart further impulse for the development of national wealth and prosperity in all their branches. But neither material progress nor the execution of the great industrial works in hand, nor both together, will suffice for the happiness and aggrandizement of the Republic; we must likewise attend to the moral progress and development of the people, thereby alone can we lay a solid foundation for the institutions under which we live. Besides the codes and projected laws which I have mentioned, you have in your hands, amongst other important matters, the reformation of our fundamental charter, that of the penal code, and that of the election law, which it is expedient to dispose of during this year's sessions. To renovate our ancient institutions by getting rid of their defects and filling up their blanks; to inoculate our new laws with the spirit of progress that animates modern society; to confirm and extend the rights and liberties of the citizen as amply as is compatible with the exalted interests of social order,—these are the objects of my sincere aspirations, and such should be the grand aims of your patriotic exertions. For all this, I trust in your enlightened zeal and in the characteristic prudence of the Chileans; upon those foundations our prosperity has been built, and upon them will rest the high destinies which the future, no doubt, has in store for our country.

Santiago, June 1, 1874.

FEDERICO ERRAZURIZ.

LAW of the Netherlands for the Abolition of Slavery in the Colony of Surinam.—Wiesbaden, August 8, 1862.

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c.

To all who shall see these presents or hear them read, greeting; notice is hereby given that: Whereas we have taken into considera-

tion that the well-understood interest of the colony of Surinam requires the abolition of slavery ;

And as we wish also to provide the means for maintaining and extending agriculture and industry in that colony ;

So we, with the advice of the Council of State and joint concurrence of the States-General, have thought fit to enact, as we hereby do enact :

CHAPTER I.—*General Provisions.*

ART. I. Slavery shall be abolished in the colony of Surinam on the 1st of July, 1863.

II. Compensation shall be allowed to the owners of slaves on account of the abolition of slavery.

III. Those who are made free in virtue of Article I shall remain under the special care of the State for the term of 10 years at most from the 1st of July, 1863.

IV. The free colonization of Surinam shall be encouraged by the State.

Premiums will be offered by the State for the introduction of free labourers into Surinam during 5 years at most after the promulgation of this Law.

The total amount of those premiums shall not be more than 1,000,000 florins.

The conditions necessary to be observed for claiming payment of those premiums will be fixed by us, and the supervision of the Government in conducting the immigration will be arranged by us.

CHAPTER II.—*The Compensation.*

V. Within 30 days after the promulgation of this Law in the colony of Surinam, all owners of slaves or their agents shall deliver to the Government Secretary a schedule in duplicate, stating: The names of the plantations to which the slaves belong; the names and residences of the owners or their agents; the names, sex, age, occupation or calling, and religion of the slaves belonging to them, mentioning those who have acquired the right to manumission, as well as those who have been ranged by the competent commission among such as are suspected to be infectious from leprosy and elephantiasis. A voucher for the delivery of the said schedule will be given to the person who delivers it.

VI. If the owners or their agents neglect to deliver the schedule mentioned in Article V, within the term specified, it will be made out on behalf of the Government, and the cost thereof will be charged to the defaulters.

VII. The schedules mentioned in the two foregoing Articles will

within a short term, to be fixed by the Governor of Surinam, be compared on behalf of the Government with the slaves who are present, and, as far as necessary, with the registers.

VIII. The compensation for slaves, whether they belong to plantations and estates, or are acknowledged as private slaves, and without distinction as to age or sex, will be fixed at 300 f. per head; for such as have acquired the right to manumission at 60 f. per head.

IX. For the compensation no account is taken of slaves who by reason of infection are or may be expelled from the community. With regard to those who, according to the rules of the publication of the 7th September, 1830, are, or on occasion of the verification mentioned in Article VII may be afterwards, declared to be liable to suspicion as infected with a disease thereby indicated, the decision respecting the grant of indemnity will be suspended. The compensation will not be granted if the sufferer be not declared healthy within a year after the promulgation of this Law in the colony of Surinam, by the commission mentioned in Article IX of the aforesaid publication;

b. Slaves who have run away or are missing for more than a month before the day of the verification mentioned in Article VII;

c. Slaves sentenced to forced labour, whose period of punishment has not ended within 4 years from the 1st of July, 1863;

d. Children who have been born of female slaves after the promulgation of this Law in Surinam.

X. The compensation includes not only the person of the slave, but also his clothes, small animals and birds, and all movable goods, which according to colonial custom are considered as belonging to him separately.

These goods will be his property.

XI. In concurrence with the declaratory schedules, verified according to Article VII, a statement of the compensation to be granted is to be made out, which during 30 days after the expiration of the period mentioned in the aforesaid Article is to be deposited with the Government Secretary for the inspection of those concerned.

XII. If the owners or their agents should not be able to agree to the statement, they will be at liberty, within 14 days from the term fixed in the preceding Article, to send in an answer to the Government Secretary through his attendant, mentioning the grounds of complaint.

XIII. Within 14 days of sending in the answer it is to be brought by summons, or it will be disregarded, before the next sitting of the Court of the Colony of Surinam.

On the day of the hearing, the matter is to be discussed verbally on both sides without the assistance of lawyers, and without written decisions.

The Court will pass sentence very soon after, unless a further inquiry be ordered, for which the time must be fixed.

The sentence is not subject to appeal to a higher authority.

XIV. The compensation mentioned in Article VIII will be paid to the owner or his agent within 3 months after the abolition of slavery.

The payment will be made in florins by bills of exchange drawn by the Governor on the Colonial Minister, and payable one month after sight at the Netherlands Bank, Amsterdam, or if required, and the Governor is of opinion that the Colonial Treasury has sufficient funds at Paramaribo, in lawful money.

XV. In case of disputes about the ownership of slaves, or if third persons claim the amount of the indemnity or a part thereof, the payment of the whole will be deferred until the parties agree, or the dispute is settled by final award.

XVI. The right to the compensation fixed in virtue of this Law will be forfeited in regard to the sums which are not demanded within 4 years after the abolition of slavery.

XVII. The statements, declarations, receipts, and other administrative documents which are required in consequence of the provisions in this Law are not liable to stamp duty.

CHAPTER III.—*Of the Special Supervision by the State.*

XVIII. The special supervision of the freedmen by the State will be entrusted to paid officers, whose sphere of operation and authority will be regulated by general ordinance.

The officers must have nothing to do with the management of plantations, nor any pecuniary interest in undertakings in Surinam.

XIX. The State supervision is intended for the protection of those who are made free by this Law and to promote their domestic and social life:—

By the prevention of idleness, and regulating the liability to labour;

By the encouragement of scholastic and religious instruction;

By prescribing the means for the relief of the indigent and the tendance of the sick;

And, in general, by adopting measures that are necessary for the interests of the freedmen and of public order.

XX. The Governor of Surinam is authorized to release from State supervision those who distinguish themselves by good behaviour and industry.

CHAPTER IV.—*Of the Freedmen.*

XXI. The slaves who are to be made free are to adopt a family name, under which they will be inscribed as far as possible, in families, in the registers prepared for the purpose.

A voucher of the inscription will be delivered, stating the number of the inscription, the name and surname, and the date of birth or presumed age.

The Governor of the colony will take care that the inscription be made at the abolition of slavery.

XXII. The ordinary civil and criminal law is applicable to the freedmen, with such exceptions as the State supervision necessarily makes while they are under it.

XXIII. The freedmen will be considered as inhabitants of the colony.

They will not come into full enjoyment of civil rights until the abolition of the State supervision, and on fulfilment of the provisions on that behalf.

XXIV. All who are under the special State supervision are liable to fixed labour in accordance with the following provisions:—

A. For those who are settled on plantations or estates, or have usually worked thereon:—

§ 1. That all who are of the age of from 15 years inclusive to 60 years inclusive are bound to enter into engagements with planters or agricultural contractors, at their choice, for plantation work;

§ 2. That such engagements shall be entered into in presence of the officer mentioned in Article XVIII, and according to the regulations to be established on that behalf, for not less than one, nor more than 3 years;

§ 3. That the Governor shall be authorized, in so far as he may consider it necessary during the first two years of the operation of this Law, to limit the choice of the freedmen in entering into engagements to the district in which they are settled on the 1st of July, 1863;

§ 4. That those who shall not have entered into engagements within 3 months from the abolition of slavery will be set to work by the Administration on Government plantations, or in operations of general utility;

§ 5. That those who are more than 60 years of age will remain with the families to which they belong, the same as children under 15, who in any case will follow their mothers;

§ 6. That the old people and children mentioned in the foregoing paragraph will be bound, according to their strength and ability, to give their services, at settled wages, to the tenant or planter with whom the head of the family or the mother of the children shall have made the engagement.

B. For those who are not settled on plantations or estates, or have not usually worked thereon:—

§ 1. That they, the same as those who have been plantation

slaves, who are of the age of from 15 years inclusive to 60 years inclusive, are bound to enter into engagements for work or service with persons of their choice ;

§ 2. That such engagements shall be entered into in presence of the officer mentioned in Article XVIII, and according to the regulations to be established in that behalf, for not less than 3 months and not more than a year for work or service in the town ; if they engage themselves for plantation work, the provisions of §§ 2, 5, and 6 of the sub-section A' will be applicable to them ;

§ 3. That to those who are able to show to the satisfaction of the said officer that they can follow any handicraft, trade, or calling, to provide for their own wants and those of their family, a licence shall be granted on payment of the licence-duty levied by the general colonial regulations on the pursuit of any handicraft, trade, or calling, and this licence shall be renewed in writing every year ;

§ 4. That those who have not entered into any engagements within 3 months from the abolition of slavery, and those who, in virtue of their licence to provide for themselves, do not follow some handicraft, trade, or calling, shall be set to work by the Administration on the Government plantations, according to their strength and habits, or be employed in operations of general utility ;

§ 5. That those who are more than 60 years of age and children of from 12 to 15 years, shall do light work in proportion to their strength and ability ;

§ 6. That children up to and including 12 years of age shall not be separated from their mothers, whilst children of from 12 to 15 years of age may work apart from their mothers.

CHAPTER V.—*General Provisions.*

XXV. Religious service and education will be encouraged by the State and supported as far as possible.

XXVI. The possession and wearing of arms by the field and plantation labourers under Government supervision, and those who are to be introduced under this Law, can only be allowed in special circumstances.

XXVII. With the exception of penal servitude all work on the Government plantations and in operations of general utility will be paid for ; the wages as well as the work itself will be regulated by Government tariff.

The rates of the said tariff will also apply to plantation work for other persons, in case no different conditions have been made by agreement.

A working day is reckoned at 8 hours' labour in the field and 10 hours' labour in buildings ; and the working year at 300 working days.

XXVIII. If volunteers cannot be obtained for military and other transports for the public service or for works of general utility, at reasonable wages, the Administration is authorized to call for all those under Government supervision who are from 15 to 60 years of age, as well as all other field and plantation labourers.

XXIX. Idleness and vagrancy will be liable to punishment under the existing regulations, and those that may be enacted.

XXX. The owners will be bound, for at most 3 months from the abolition of slavery, to afford lodging for those who were their slaves, and have not been able to provide it for themselves. They may, however, escape this liability by paying the costs of lodging elsewhere to the satisfaction of the officer who is entrusted with the supervision.

On the other hand the freedmen will be bound to do at least 4 days' work a week for those with whom they live.

XXXI. Setting to work or lodging those who are under Government supervision, without a lawful engagement, will be liable to fine, recoverable by imprisonment, according to the regulations which are to be made.

XXXII. Care will be taken by the Administration that those who are sick while under Government superintendence shall have medical help and care; on the plantations, by issuing ordinances for regulating the liability of the tenants to provide proper places for the sick and the necessary medical treatment; and elsewhere, by establishing hospitals where necessary.

Those who are excluded from the community in virtue of existing regulations, on account of infectious diseases, will be permanently attended in establishments appointed for the purpose, at the cost of the colonies.

XXXIII. Those who employ people under State supervision are bound to provide proper dwellings for them and their families, and also to grant them the necessary ground to raise food for their own use; all in accordance with regulations to be made.

XXXIV. The freedmen who are not set to work on plantations provide themselves with lodging and medical attendance on their own account, both for themselves and their family, unless otherwise settled in the agreement for work or service.

XXXV. The Administration undertakes, as far as necessary, to look after the lodging and maintenance of unprovided and other indigent persons.

To meet the outlay required for this, the freedmen who enter into engagements within the term, all field and plantation labourers, and those who have licences according to Article XXIV B, § 3, will be liable to a tax of 3 florins for men and 1.50 florin for women.

This taxation is to be paid into the treasury of the country by

the farmers at the beginning of the year, and in the course of the year will be stopped by them from the wages of the labourers; by those who have licences and other independent persons, it is to be paid on delivery of the voucher mentioned in the aforesaid § 3.

XXXVI. The penalties for not fulfilling the engagements are:—

For the farmers, fines to be enforced by imprisonment, with or without cancelling the engagement; in the first case with compensation if there be grounds;

For the labourers,—

a. Fines, and if not paid reduction of wages;

b. Penal servitude on the public works.

All in conformity with the regulations to be made, which will point out the competent magistrates and the manner of proceeding.

XXXVII. The Governor of Surinam retains the faculty of conducting the government of the Colony of Surinam in extraordinary circumstances, as conferred upon him by Royal Decree of 9th August, 1832, No. 89.

XXXVIII. Expenses occasioned by this Law are not to be incurred unless the sums required are granted by law.

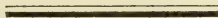
XXXIX. Every year, beginning from 1863, our Minister for the Colonies is to send in a report to the States-General respecting the execution of this Law.

We direct and command that these presents be inserted in the State Journal, and that all Ministerial Departments, authorities, boards, and officers concerned therein shall attend to the exact fulfilment thereof.

Wiesbaden, August 8, 1862.

WILLIAM.

G. H. UHLENBECK, *Minister of the Colonies.*



LAW of the Netherlands for the Abolition of Slavery in the Island of Curaçao and Dependencies.—Wiesbaden, August 8, 1862.

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c., to all who shall read this or hear it read, greeting, take notice:

Whereas we have taken into consideration that the well-understood interest of the colony of Curaçao and dependencies requires the abolition of slavery, so we, with the advice of the Council of State, and with joint concurrence of the States-General, have thought fit to enact, and hereby do enact, as follows:—

CHAPTRE I.—*General Principles.*

ART. I. Slavery in the colony of Curaçao and dependencies, Bonaire, Aruba, St. Eustace, Saba, and St. Martin (Dutch part), shall be abolished on the 1st of July, 1863.

II. Compensation shall be allowed to the owners of slaves on account of the abolition of slavery.

CHAPTER II.—*The Compensation.*

III. Within 30 days from the promulgation of this Law in each of the islands, the owners of slaves or their agents shall deliver to the Colonial Secretary in Curaçao, and in the other islands to the Administrator, a schedule in duplicate, stating :—

The names of the plantations to which the slaves belong ;

The names of the residences of the owners or their agents ;

The names, sex, age, occupation or calling, and religion of the slaves belonging to them, with a statement of those who have acquired the right to manumission.

A voucher for the delivery of this schedule will be given to him who delivers it.

IV. If the owners or their agents neglect to send in the schedule mentioned in Article III, it will be made out on behalf of the Government, and the costs thereby incurred will be charged to the account of the defaulters.

V. The schedules mentioned in the two preceding Articles will within a short term, to be fixed by the Governor in Curaçao, and by the Administrators in the other islands, be compared on behalf of the Government with the slaves who are present, and, so far as is necessary, with the registers.

VI. The compensation for the slaves, without distinction of age or sex, will be fixed as follows :—

a. For those in Curaçao, Bonaire, Aruba, St. Eustace, and Saba, 200 florins each ;

b. For those in St. Martin, 30 florins ;

c. For those who have acquired right to manumission :—

For those under *a*, 50 florins ;

For those under *b*, nothing.

VII. Compensation will not be given for—

a. Slaves who are excluded from the community on account of infection. With regard to those who, by decision of a Commission of 3 physicians to be nominated by the Governor, have been declared as suspected of the diseases of leprosy and elephantiasis, the award of a compensation will be suspended, and will not be granted unless the sufferers be declared healthy by the Commission within the year from the promulgation of this Law in the various islands ;

b. Slaves who have run away, or been missing for more than a month before the day of the verification mentioned in Article V.

c. Slaves condemned to penal servitude, whose term of punishment has not expired within 4 years after the 1st of July, 1863.

d. Children born of female slaves after the promulgation of this Law in the various islands.

VIII. The compensation extends, not only to the person of the slave, but also to his clothes, small animals and birds, which, according to colonial custom, are considered to belong to him separately. These goods will be his property.

IX. In conformity with the schedules verified according to Article V, a statement of the compensation to be granted will be made out, and, during 30 days from the expiration of the term mentioned in the aforesaid Article, will be deposited at the Colonial Secretary's office in Curaçao, and in the other islands at the Administrator's office, for the inspection of those concerned.

X. If the owners or their agents cannot agree with the statement, they will be at liberty, within 14 days from the term fixed in the foregoing Article, to send in an answer through the Assistant at the Colonial Secretary's office in Curaçao, and at the Administrator's office in the other islands, stating the ground of complaint.

XI. Within 14 days from sending the answer, or it will not be attended to, the sender must bring it by summons before the respective Court at its next sitting—for Curaçao, Bonaire, and Aruba, before the Court in the first-mentioned island; for St. Eustace and Saba, before the Court in St. Eustace; and for St. Martin before the Court there.

At the time of hearing, the case is to be discussed verbally on both sides without the assistance of lawyers and without written decision.

The Court will pass sentence as soon as possible, unless a further examination be ordered, for which the time must be fixed. The sentence of the Court will not be liable to appeal.

XII. The compensation mentioned in Article VI will be paid to the owner or his agent in each of the respective islands within 3 months from the abolition of slavery.

The payment will be made in bills of exchange for florins, drawn by the Governor of Curaçao and dependencies for Curaçao, Bonaire, and Aruba, by the Administrator of St. Eustace for that island, and for Saba and for St. Martin by the Administrator there, on the Colonial Minister and payable a month after sight at the Netherlands Bank, Amsterdam, or, if so required and in the opinion of the aforesaid Governor and Administrators the treasury is competent, in each of the islands in lawful currency.

XIII. In case of disputes concerning the ownership of slaves

or if third persons claim the amount of the compensation or a part thereof, the payment of the whole will be withheld until the parties agree or the dispute is settled by final award.

XIV. The right to the compensation granted in virtue of this Law will be forfeited in regard to the sums not demanded within 4 years from the abolition of slavery.

XV. The statements, declarations, and other administrative documents required in consequence of the provisions of this Law are not liable to stamp duty.

CHAPTER III.—*Of the Freedmen.*

XVI. The slaves who are to be made free will take a family name under which they will be entered by families, as far as possible, in the registers for the purpose.

A voucher of the registration will be given, stating the number of the entry, the name and surname, and the date of birth or presumed age. The Governor in Curaçao and the Administrators in the other islands will take care that the registration be effected at the time of the abolition of slavery.

XVII. The ordinary civil and criminal law is applicable to the freedmen.

XVIII. The freedmen will be considered as inhabitants of the colony. They will enjoy the special protection of the Administration.

CHAPTER IV.—*General Provisions.*

XIX. Religious service and school instruction will be encouraged, and, as far as possible, supported by the State.

XX. Freedmen will not be allowed to possess and wear arms except under special circumstances.

XXI. Idleness and vagrancy will be liable to punishment according to general regulations to be established.

XXII. The owners will still have to afford lodgings for those who have been their slaves and have been unable to provide them for themselves for 3 months after the abolition of slavery; but the farmers can escape this liability by paying the cost of lodging elsewhere, to the satisfaction of the Administration.

On the other hand the freedmen are bound to do at least 4 days' work a week for those with whom they live.

XXIII. The Administration undertakes, as far as necessary, the lodging and maintenance of unprovided and other indigent persons.

XXIV. The Governor of Curaçao retains in pressing circumstances the right conferred upon him in Article LXIII of the Regulations for conducting the Government of the Colony of Curaçao and Dependencies, confirmed by Royal Decree of 27th January, 1848, No. 51.

XXV. Expenditure required by this law is not to be incurred unless the money for it has been granted by law.

XXVI. Within a year, reckoned from the 31st of July, 1863, our Minister for the Colonies will send in a report to the States-General on the execution of the present Law.

We direct and command that this be inserted in the State Journal, and that all Ministerial Departments, authorities, boards, and officers whom it concerns shall look to the exact fulfilment thereof.

Wiesbaden, August 8, 1862.

WILLIAM.

G. H. UHLENBECK, *Minister of the Colonies.*

SPEECH of the King of Wurtemberg, on the Closing of the Chambers.—Stuttgart, June 20, 1874.

(Translation.)

TRUSTY AND WELL-BELOVED,

THE session of Parliament which ends to-day, and which is distinguished by the number and importance of its results, commenced at a memorable period when the public mind was stirred by events of world-wide interest.

As early as the opening of the session I was enabled to indicate as the most important subject for your deliberations the Treaties which had been concluded for the purpose of establishing a newly united Germany through the medium of an Emperor and Empire, the greatest amongst the fruits of the national successes.

Animated by sentiments of patriotism you have given your sanction to these Treaties.

The new conditions of public law created by them furnished an additional motive for extending the constitutional reforms previously commenced to some other points which appeared to require modification at once, in harmony with the spirit of the times. The results which have been obtained justify me in hoping that further reforms may be successfully carried out in the future in an equally satisfactory manner by steady and prudent progress.

The public administration had also to adapt itself in various ways to the new position of Wurtemberg in the German Empire. The introduction of institutions resulting from Imperial legislation necessitated several, and some of them radical, changes in the existing law requiring your co-operation.

Owing to the increased demands upon the public purse, the maintenance of the equilibrium of the Budget was attended with difficulty. But by the increase of the ordinary revenue, and by the

influx of the war indemnity money, the Finance Department was placed in the fortunate position of being able, without increase of taxation, to dispose of funds sufficient to cover various extraordinary disbursements, including especially such as were required to place my Army Corps in a state of war efficiency.

With a readiness which I have pleasure in acknowledging, you have voted the supplies necessary for the service of the State, and have been fully mindful at the same time of the interests of lower and higher education. The public functionaries are indebted to your just and intelligent appreciation of the measures proposed by my Government, with a view to improve their condition, for the increase in their salaries which has again been granted to them.

In accordance with wishes expressed in various quarters, my Government have readily met the economical requirement of a further extension of the network of railways; you have contributed by your decisions to the advantageous development of this most important means of communication.

The reform of the system of direct taxation, which could be postponed no longer, has been largely initiated by the law which you have passed on the subject.

The new General Building Act regulates procedure in all that relates to the erection of buildings, in a manner suited to the requirements of the times.

The development of agriculture and of forest cultivation has been promoted by the law relating to the exercise and redemption of pasture and "litter leaves" rights.

Numerous other measures have been passed in addition to those which I have enumerated.

I thank you for the zeal and devotion with which you have brought your labours to a successful conclusion.

The results of your deliberations will contribute to the benefit of the country. May our beloved Wurtemberg, by the help of God, permanently enjoy the blessings of undisturbed peace, of increasing prosperity and civilization.

I hereby declare the Diet to be closed.

DISCOURS du Prince de Serbie, à l'Ouverture de l'Assemblée Nationale.—Belgrade, le 10 Novembre, 1874.

(Traduction.)

MESSIEURS LES DÉPUTÉS,

CONFORMÉMENT à la loi constitutionnelle de nouvelles élections générales des Députés choisis par la nation et de ceux nommés par le Prince ont eu lieu cette année. Honorés de la confiance de vos con-

citoyens et de votre Souverain, vous constituez la seconde Assemblée Nationale Législative. C'est pour moi un plaisir réel que de me trouver au milieu de vous et d'ouvrir vos séances dans la capitale de notre chère patrie en vous y souhaitant une cordiale bienvenue.

Dans le cours de cette année je me suis déterminé à entreprendre un voyage à Constantinople, où j'ai été de la part de Sa Majesté Impériale le Sultan l'objet d'un accueil flatteur et plein d'égards. À mon retour j'ai fait une courte visite au Souverain de la Principauté voisine et amie de Roumanie et ai eu l'occasion de voir le prix que le peuple Roumain et son Souverain attachent aux bons rapports avec notre Principauté. Peu de temps après je me suis rendu aux eaux dans les Pyrénées. Dans ce voyage des entrevues avec d'augustes Souverains, des Chefs d'États et de hauts dignitaires des Grandes Puissances m'ont fourni l'occasion d'échanger avec eux des idées sur diverses questions qui intéressent notre chère patrie. Je me fais un devoir de rappeler avec des sentiments de reconnaissance l'affectueuse cordialité qui partout a présidé à l'accueil qui m'a été fait. J'ai du reste lieu de croire que ces entrevues personnelles ne peuvent être qu'avantageuses pour nos intérêts politiques.

Dans le courant de cette année nous avons eu l'occasion de constater deux fois l'attention et les égards que nous témoignent les États Européens. Sur l'invitation de la Puissance voisine et amie, un délégué Serbe a été admis à la Conférence Sanitaire Internationale de Vienne ; de même au Congrès Postal de Berne la Serbie a été représentée à l'égal des autres États et est entrée dans l'Union Postale Européen, dont la réalisation, marquée au coin de la civilisation et du progrès, sera consignée dans l'histoire comme un évènement qui honore notre époque.

Mon Gouvernement vous soumettra dans toutes les branches de l'Administration des projets de lois nécessités par les besoins du pays, et j'attends de vous, MM. les Députés, que vous apportiez dans leur discussion toute votre maturité de jugement, de même que j'attends en général de votre patriotisme que vous facilitiez par votre sincère appui la tâche difficile qui incombe à mon Gouvernement. Notre jeune Principauté, désireuse à juste titre de réaliser les conditions de bon ordre, de prospérité et de progrès, a encore beaucoup à créer et à perfectionner pour parvenir à la position que nous assignent nos désirs et nos aspirations. Elle ne pourra y atteindre qu'au prix de beaucoup d'efforts tant matériels que moraux.

L'augmentation du budget des dépenses est une conséquence naturelle de notre situation et de nos incontestables besoins. Pour faire face à ces derniers et afin d'arriver à ce que les revenus puissent suffire aux dépenses sans altérer l'équilibre du budget de l'État, le Ministre des Finances vous soumettra des propositions sur

de nouvelles sources de revenus. Je suis en droit d'attendre de l'Assemblée Nationale qu'elle leur consacre toute son attention, et que dans sa sagesse et son patriotisme elle assure la satisfaction des besoins de l'État sans porter atteinte à l'équilibre budgétaire.

En parlant des questions qui auront à vous occuper, je regrette de ne pouvoir y comprendre la loi sur une plus grande responsabilité ministérielle, que je considère comme tout-à-fait indispensable. Mon Gouvernement, dans la conscience de son devoir, vous eut soumis un projet de loi dans le sens d'une responsabilité ministérielle plus étendue ; mais, comme il aurait été impossible de modifier la loi actuelle sans toucher à la Constitution, je laisse à votre appréciation et à votre sagesse de juger s'il n'y aurait pas opportunité et avantage à faire usage du droit que vous confère l'Article CXXXI de la Constitution.

Plein de confiance dans votre patriotisme et en invoquant sur vos travaux la bénédiction de Dieu, je déclare ouverte la session annuelle de l'Assemblée Nationale.

SPEECH of the Emperor of Brazil, on the Opening of the General Assembly.—Rio de Janeiro, May 5, 1874.

(Translation.)

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

It is always with the greatest pleasure and with well-founded confidence that I see the meeting of the General Assembly.

Thanks to the Divine Providence, internal peace continues unshaken, and Brazil prospers under the influence of this great blessing.

The last news which I received from my esteemed daughter, the Princess Imperial, Countess d'Eu, gave me the pleasing certainty of her hopes of maternity. Under such circumstances she should return to Brazil, in order to fulfil one of the conditions of the marriage contract ; but she may, perhaps, find herself compelled, by the opinion of her medical advisers, to avoid so long a voyage.

The sanitary condition has not been satisfactory in many parts of the Empire ; but the sufferings of the people have been much lessened by the succour afforded to them by the State and by private charity.

Our international relations have suffered no alteration, and the Government seeks to strengthen them by the bonds of friendship and of reciprocal interests. The definitive restoration of peace between the Argentine Republic and that of Paraguay is not yet accomplished ; it is, however, to be hoped that it may soon be peaceably

and amicably settled. To that end we have afforded to our ally the co-operation to which we had bound ourselves by the Agreement of the 19th of November, 1872.

The ratifications of a Consular Convention with Great Britain,* of a Treaty of Extradition with Belgium,† and of a Postal Convention with the Argentine Republic, have been exchanged.

The conduct of the Bishops of Olinda and of Pará brought them under the sentence of the Supreme Tribunal of Justice. This circumstance causes me great pain, but it was necessary that such grave offence to the Constitution and to the laws should not go unpunished.

Firm in the purpose of maintaining uninjured the national sovereignty, and of guarding the rights of the citizens against the excesses of ecclesiastical authority, the Government counts on your aid, and, without departing from the moderation hitherto employed, will effect the putting an end to a conflict so prejudicial to social order as well as to the true interests of religion.

The public revenue diminished in some of the provinces in the beginning of the present financial year; it is not, however, expected that the result will be below the previous estimate. Notwithstanding the increase of expenditure with the recent authorized improvements, and the renovation of part of the material of the army and of the navy, it is calculated that that and the previous financial year's budget will show an excess of receipts over expenditure.

Husbandry, our chief and abounding industry, requires, from your enlightenment, such measures to be taken as will promptly remove the greater part of the embarrassment with which it actually contends. Above all is sensibly felt the want of establishments of credit, which may afford to the farmers, on easier terms, the capital that they want for the perfecting and development of their labour. The new contract with the Bank of Brazil will become beneficial, but the circumscription of this contract does not comprise all the provinces, nor would the bank's means suffice for it.

You adopted sundry important resolutions last year. I am sure that you will continue, in the present session, to give other projects your consideration, being such as, above all, recommend themselves to your solicitude for the public good.

Education and popular instruction continue to be the objects of the most assiduous care of the Government, and there shall be presented to you a plan which tends to give a systematic and more vigorous impulse to that essential progress to which the initiative taken by private persons opens a most praiseworthy competition.

Electoral reform is of urgent necessity, and I trust that you will

* April 22, 1873. Vol. LXIII. Page 200.

† June 21, 1873. Vol. LXIII. Page 882.

carry it out this year, thus attending to the important interests which are linked to the regular course of our political institutions,

The organization of the military force, as well as the guarantees of individual liberty, urgently demand a law which shall regulate, in a just and efficacious manner, the recruiting, avoiding, at the same time, the insufficiency and the abuses of the actual system,

August and most worthy Representatives of the Nation !

Day by day the belief in the brilliant future of our country gains force ; its realization will be the best reward for our unceasing endeavours.

The session is opened.

*DISCOURS du Prince de la Roumanie, à l'Ouverture des
Chambres.—Bucharest, le $\frac{1}{2}\frac{5}{7}$ Novembre, 1874.*

(Traduction.)

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS,

J'ouvre aujourd'hui la première session du Sénat renouvelé dans le terme fixé par la Constitution, et simultanément la quatrième et dernière session ordinaire de la Chambre des Députés.

Cet événement remarquable n'a pu être réalisé que par suite de la bonne intelligence qui a régné entre les pouvoirs de l'État ; il témoigne que le pays a acquis la conscience de ses besoins réels et qu'il avance avec maturité dans son développement moral et économique.

Nos relations avec les Puissances étrangères continuent à être, cette année aussi, des plus satisfaisantes. Les intérêts de l'État Roumain ne peuvent que gagner par une politique extérieure, basée uniquement sur la légalité qui ressort des Traités et sur le respect des droits.

En ce qui concerne l'armée, je constate avec plaisir les progrès qu'elle a réalisés.

La rapidité avec laquelle une partie de cette armée a pu être concentrée sur la Jalomitza en cet automne, de même que les marches et les manœuvres qui ont été exécutées et auxquelles nous avons eu la satisfaction de voir assister les représentants de la plupart des armées étrangères, prouve que le pays se trouve sur la voie d'une bonne organisation militaire, et qu'il n'a pas à regretter les sacrifices qu'il a fait à cet effet.

Les Dorobantz, ce puissant élément militaire, qui par le recrutement de cette année ont été institués dans le pays entier, ont prouvé de nouveau la facilité avec laquelle le peuple Roumain peut s'habituer aux armes, et combien nous sommes en droit d'espérer de l'armée territoriale.

Également nous avons pu constater, même dans la première

année de l'organisation, les résultats que l'artillerie départementale, créée par la Loi du 12 Mars, 1874, promet pour l'avenir.

Une mesure non moins bienfaisante que mon Gouvernement a prise et qui mérite d'être portée à votre attention, c'est l'introduction des exercices militaires obligatoires dans les écoles publiques.

La loi de recrutement de 1864 n'étant plus en harmonie avec les réformes introduites dans l'organisation de l'armée, mon Gouvernement aura à vous présenter, dans cette session même, une nouvelle loi de recrutement, basée sur le principe du service militaire obligatoire et personnel pour tous les jeunes gens valides.

Messieurs les Sénateurs, Messieurs les Députés, à la suite des modifications introduites par vous dans la loi communale, les conseils communaux ont été renouvelés et les élections ont été opérées dans tout le pays avec la plus parfaite tranquillité.

Quant aux communes rurales en particulier, vous pourrez prendre connaissance, par l'examen du tableau qui vous sera présenté, des nouvelles circonscriptions provisoirement fixées par mon Conseil des Ministres. De ce tableau il résulte que le nombre des communes rurales a été réduit presque de moitié.

Mon Gouvernement a pris toutes les mesures nécessaires afin que la loi sur l'organisation du service sanitaire, que vous avez votée dans la session dernière, soit, par des règlements, des instructions et par une surveillance toute particulière, strictement appliquée dans toute l'étendue du pays.

Un Congrès Médical International s'est réuni cet été à Vienne. La Roumanie a pris part aux travaux de ce Congrès, et mon Gouvernement est à la veille de conclure deux Conventions Médicales avec les États qui y ont participé.

Par la loi votée dans la dernière session à l'effet de circonscrire les épizooties, on a été à même d'empêcher immédiatement la propagation de la maladie du bétail dans quelques uns des districts où elle s'était manifestée.

En cette année aussi le Gouvernement Roumain a été représenté à la Commission Internationale Permanente de Statistique qui s'est réunie, cet été, à Stockholm.

Le service télégraphique et postal continue à se développer et à s'améliorer de plus en plus. Les Conventions avec la Russie et avec la Serbie que vous avez votées dans la session passée ont été mises en application.

Mon Gouvernement aura à vous soumettre prochainement, pour être ratifié, le nouveau Traité Postal International conclu le 9 Octobre dernier au Congrès de Berne,* auquel notre représentant a pris part conjointement avec les Délégués des autres États.

Notre législation administrative est loin d'être complète, et mon

Gouvernement vous présentera dans cette session des projets de loi, tant pour l'organisation du Ministère de l'Intérieur que pour l'administration des districts. À la suite de la modification de la loi communale et de la réduction du nombre des communes rurales, il est indispensable de réduire également le nombre des arrondissements, pour que l'étendue des circonscriptions actuelles soit plus en rapport avec le nombre et l'étendue des communes rurales.

Dans la branche de l'agriculture, du commerce, et des travaux publics, mon Gouvernement a cherché à satisfaire, dans les limites des ressources votées, aux besoins les mieux sentis. Un exposé général, que mon Ministre vous présentera, vous mettra en position de connaître en détail l'état des travaux publics.

Un Conseil Spécial d'Agriculture, de Commerce, et d'Industrie, composé de personnes compétentes, sera créé prochainement. Ce Conseil sera appelé à donner son opinion sur les mesures à prendre pour le développement des sources de nos richesses nationales.

Mon Gouvernement s'occupe de l'étude des bases d'un système rationnel d'irrigations, dont la réalisation graduelle sera l'un des plus grands bienfaits pour l'avenir. Il étudie en même temps la création de l'institution de crédits agricoles, d'un projet de loi sur les mines, ainsi que de celui sur la mise en application du nouveau système de poids et mesures.

Les travaux des ponts et chaussées ont été conduits avec activité et plusieurs lacunes ont été comblées.

Les recettes des chemins de fer, cette année également, n'ont fait qu'augmenter et ont dépassé de beaucoup les prévisions budgétaires.

Les études touchant les nouvelles lignes que vous avez votées seront prochainement terminées, et les projets de lois relatives à leur exécution vous seront présentés dans le courant même de cette session. Quant à la ligne de Pitesci à Varciorova, dont les travaux sont très avancés, elle sera livrée à la circulation dans le délai prévu, et ainsi se réalisera l'une des œuvres les plus considérables de notre époque en Roumanie.

Une expérience de 9 années, depuis que la loi sur l'instruction est mise en pratique, a pu démontrer ses lacunes. Les écoles élémentaires exigent des instituteurs mieux préparés dans des institutions normales spécialement destinées à cet effet. L'enseignement secondaire doit recevoir une direction plus réelle afin de pouvoir correspondre aux besoins d'un pays dont les légitimes aspirations pour l'avenir sont en partie basées sur son développement économique. Quant aux facultés, outre la culture abstraite des sciences qui leur est confiée, elles rempliront aussi le but pratique de fournir à l'État les hauts fonctionnaires qui lui sont nécessaires, ainsi qu'un corps professoral bien préparé pour les écoles secondaires.

À tous ces points de vue le projet de loi spéciale sur l'enseignement public qui vous sera présenté par mon Gouvernement, et dont vous aurez à vous occuper dans le courant même de cette session, est appelé à introduire les améliorations réclamées par l'état actuel.

Un autre projet de loi, élaboré par le Saint-Synode, pour l'organisation des séminaires, vous sera également soumis, et de cette manière les prescriptions de l'Article XXVI de la loi relative à l'élection des Métropolitains et des Evêques Diocésains, aiusi qu'à la Constitution du Saint-Synode, seront mises en application.

La réforme du Code Pénal que vous avez votée pendant la dernière session a produit une amélioration sensible dans la distribution de la justice.

Après 9 mois à peine d'expérience, cette loi a eu des résultats si décisifs qu'elle a justifié toutes les prévisions et écarté toutes les craintes exprimées à cet égard.

Il ne reste que, grâce à la réorganisation du jury, nous obtenions un nouveau progrès en assurant aux infractions les plus graves la même répression sûre qui atteint aujourd'hui des faits moins criminels.

La révision des lois civiles vous a aussi préoccupés, à juste titre. Une Commission a été nommée, suivant le désir que vous avez exprimé, à l'effet d'étudier et d'élaborer un projet de réforme de notre procédure civile. Cette Commission a terminé en partie le projet dont elle avait été chargée. Dans le courant même de cette session, le Ministre de la Justice vous soumettra les Articles relatifs aux juges d'arrondissements, dont la réforme, je l'espère, améliorera d'une façon sensible une branche de la justice qui concerne la partie la plus considérable de la population.

Outre la nécessité de compléter et de simplifier les lois, vous savez fort bien quelle importance a le choix du personnel appelé à les appliquer. Le moment est arrivé d'exiger de ceux qui aspirent à la haute mission de magistrat, des conditions d'admissibilité plus précises.

Le Sénat, dès la dernière session, a voté un projet de loi remplissant ce but. J'ai le ferme espoir que la Chambre des Députés s'occupera à son tour, dans le courant de la session actuelle, d'une loi aussi indispensable.

Messieurs les Sénateurs, Messieurs les Députés, j'ai constaté avec une vive satisfaction la marche régulière des affaires du trésor public, grâce aux lois financières que vous avez votées durant cette Législature. Le Ministère des Finances a pu faire face avec exactitude, et sans le moindre retard, à tous ses engagements. La situation qui vous sera présentée vous mettra à même de connaître dans tous ses détails l'état des finances dans lequel nous nous trouvons, et vous pourrez en même temps constater que les difficultés qui

menaçaient de se produire dans l'application du budget de l'année courante peuvent être considérées comme aplanies.

Cependant le budget de l'année 1875, qui se trouve grevé par l'annuité du chemin de fer Pitești-Vărciorova et par d'autres dépenses, les unes prévues à l'occasion du vote y afférent, les autres réclamées actuellement, ainsi que l'extinction de la dette contractée par l'émission de bons du trésor, conformément à vos votes, doivent faire l'objet de votre principale préoccupation.

Les projets de lois relatives au Code Forestier et à la création d'une banque nationale d'escompte et de circulation, projets qui sont déjà présentés à la Chambre des Députés, sont également d'une nécessité de premier ordre. Le déboisement surtout des forêts, par leur défrichement illimité, est devenu un fait inquiétant; il a produit une perturbation sensible dans les phénomènes climatiques du pays, perturbation dont les effets ont atteint déjà l'agriculture et la menacent sérieusement. Je ne doute point, Messieurs, que vous n'avisiez aux mesures à prendre pour combattre ce péril.

En 1871, alors que vous vous réunissiez pour la première fois, des embarras assez inquiétants existaient dans nos finances. C'est vous qui avez su, qui avez pu les surmonter. Cette fois encore, avant de vous séparer, vous saurez assurer, pour l'avenir, la marche régulière de nos finances.

Messieurs les Sénateurs, Messieurs les Députés, le patriotisme avec lequel vous avez travaillé dans les sessions précédentes, de concert avec mon Gouvernement, aux réformes réclamées par l'administration intérieure de l'État, au bon ordre de ses finances, ainsi qu'à l'extension de ses relations extérieures, et par lequel vous avez gagné des droits à la reconnaissance du pays, m'est un sûr garant que vous continuerez l'œuvre commencée et que, dans cette session aussi, vous aiderez mon Ministère à conduire la Roumanie paisiblement, mais avec fermeté et persévérance, dans la voie du progrès.

Que Dieu bénisse vos travaux !

CHARLES.

L. CATARGI, *Président du Conseil des Ministres*
et *Ministre de l'Intérieur*.

P. MAUROJENI, *Ministre des Finances*.

GÉNÉRAL I. EM. FLORESCO, *Ministre de la Guerre*.

B. BOERESCO, *Ministre des Affaires Étrangères*.

AL. LAHOVARI, *Ministre de la Justice*.

G. GR. CANTACUZÈNE, *Ministre de l'Agriculture,*
du Commerce, et des Travaux Publics.

T. MAIORESCO, *Ministre des Cultes et de l'Instruc-*
tion Publique.

SPEECH of the Emperor of Brazil, on the Closing of the General Assembly.—Rio de Janeiro, September 12, 1874.

(Translation.)

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

I AGAIN thank you for your condolence as expressed to me on the unfortunate event which happened to my much-esteemed daughter, the Princess Imperial, who, through the mercy of Divine Providence, is now re-established in health.

The public tranquillity has not been disturbed in all the Empire, save in the district of St. Leopoldo, where a sect of fanatics committed grave crimes, and rendered necessary the intervention of a military force to put them down.

The irregularity in the sanitary condition has disappeared in almost all the places in which small-pox and other disorders raged.

We continue to be at peace with all the other Powers, who constantly respond to the efforts which Brazil makes to endeavour to cultivate the most friendly relations with them, and to promote reciprocal interests.

An abundant harvest of some of our country products is expected this year, but the future of agricultural works especially claims the powerful aid of credit under favourable conditions, as well as the development of railway traffic and of professional teaching.

The sacrifices which we shall make for this purpose will be fully compensated by the advantages which will arise therefrom to all the social classes, and by the increase of national wealth. The Government are aware of the importance of the measures to be taken, and give the subject their most zealous attention.

The new law for recruiting will do away with the old and most defective system of levying men by force; it will raise the condition of the Brazilian soldier, and will distribute equally, and without causes of irritation, the onus of military service. It is a reform worthy of our patriotism and advancement.

Various projects of acknowledged public utility still remain dependent on your enlightened decision. Besides the general budget of the Empire I will mention, as being the most urgent, electoral reform, the aids to agricultural labour, and the reorganization of primary and secondary instruction.

You will not fail to take into consideration in the first place the high importance of making the next election according to the new dispositions, which, obviating the abuses brought to light in the practice of the law still in vigour, ensure by an efficacious method the free and genuine manifestation of the popular vote, without altering the bases established by the political constitution of the State.

August and most worthy Representatives of the Nation,

I am sure that you will, during the interval of cessation from your legislative labours, continue your efforts for the general good of the Brazilian people, to whom Nature has granted everything to make them great and happy.

The session is closed.

SPEECH of the King of the Hawaiian Islands, on the Prorogation of the Legislature,—Honolulu, August 8, 1874.

NOBLES AND REPRESENTATIVES,

AFTER a protracted session, I congratulate you upon the termination of your labours. I trust and believe that the constitutional amendments which you have passed will result in good, and that the extension of the suffrage will be duly appreciated by the country.

Your appropriations for preserving the health of the people, for immigration, and for public improvements have been very liberal and fully equal to meet the necessities to which I drew your attention upon your being called together. It will be my duty and that of my Government to see that the several sums are judiciously and economically expended. For your liberality towards myself and family I thank you.

My relations with the great nations of the world continue to be of the most gratifying character, and I have received letters during the sitting of the House from the Sovereign of Great Britain, the President of the United States, the President of the French Republic, the Emperor of Germany, the Emperor of Russia, the King of the Netherlands, the King of Denmark, the King of Sweden and Norway, the King of Italy, and the King of Belgium, recognizing my election to the throne and assuring me of their friendship and good will.

A number of new laws and amendments to laws have been carefully considered by you, and those enacted will, I trust, promote the welfare of our beloved country.

The Acts which you have passed to aid the introduction of electric telegraphs and for the encouragement of steam navigation with foreign countries show that my people are prepared to take advantage of all the improved methods of communication with neighbouring countries.

The Act to facilitate the negotiation of Treaties of Reciprocity proves that you fully appreciate the advantages of such a Treaty, more particularly with our near neighbour the United States, and no

efforts on my part or on that of my Government shall be wanting to bring about so desirable a result.

The law which you have passed to authorize a national loan, and to define to what uses such loan shall be applied, is in accordance with the views which I expressed to you in my Message of the 22nd of June, and I shall carefully watch its working by the board which you have empowered me to constitute, in the hope that it may fully realize the benefits anticipated from it, in the increase of the population and products, and therefore in the prosperity, of my Kingdom. Nobles and Representatives,

On returning to your homes and to your constituents, you will still have the opportunity to continue the good work of the session, in instructing the people in all that tends to preserve their health and comfort, and to increase their means and their knowledge; and I trust that you will apprise them of my constant solicitude for their welfare, and assure them that each man who takes good care of himself and family, with due regard to the rights of his neighbour, is adding to the strength of my Kingdom and assisting in the perpetuation of our race.

I now declare this Legislative Assembly of the Kingdom prorogued.

SPEECH of the King of Portugal, on the Opening of the Cortes.—Lisbon, January 2, 1874.

(Translation.)

WORTHY PEERS OF THE REALM AND GENTLEMEN DEPUTIES OF
THE PORTUGUESE NATION,

ON this solemn occasion, when I have come to open the legislative session of this year, I feel happy at being in the midst of the Representatives of the nation.

Our diplomatic relations with foreign Powers continue to be in a satisfactory condition.

The public tranquillity has not been in any way disturbed throughout this Kingdom and the transmarine provinces.

Availing myself of the authority accorded to my Government in virtue of the Laws of July 2, 1867, and March 5, 1858, a public and national subscription was opened for the emission of the first series of the debentures of the Minho Railway to the amount of reis 1,535,670\$000 (341,260*l.*) in cash, and for the consolidation of the floating debt to the amount of reis 38,000,000\$000 (nominal) (8,444,444*l.*); and, in both instances, the demands made by my Government were not only met, but were even exceeded.

My Minister of Finance will render you an account of these

operations, which show the vitality of the country, its patriotism, and the relative degree of prosperity which it enjoys.

With the object of improving the armament of our military forces—on a peace footing—my Government has been indebted to the kind courtesy of the Governments of Her Majesty the Queen of England and of His Majesty the Emperor of Germany for a supply of modern carbines for infantry and cavalry, and of Krupp guns, which we obtained direct from the arsenals of Great Britain and Prussia. In order to legalize the expenditure incurred in purchasing this armament, with other military stores which, in addition to the above, we absolutely required either to buy or to manufacture, my Government will lay before you the necessary bills, which you will duly examine, as the importance of the matter to which they refer demands.

The works on the Minho Railroad have been continued, those of the Regoa Railway have been commenced, and the Extremoz section on the South Eastern Railway has been concluded and opened to the public. The works on ordinary roads have been carried on as far as the supplies voted for the purpose would allow. In the face, however, of the constant and palpable evidence—which is daily borne out by facts—that the increase of the public wealth is due in a great measure to the facilities afforded by rapid means of communication, the time has arrived to extend this great improvement to the two divisions of the Province of Beira, which will not only be of great advantage to that important province, but will also considerably facilitate our international communications. My Government will lay before you, for this end, the respective projects of law, which will nevertheless be subordinate to the rule that the financial condition of the country is not to be disturbed on that account.

In addition to the measures submitted to your enlightened judgment, and which remained over from last session, others of a general interest will be shortly presented to you by my Ministers. I rely upon your well-known zeal and patriotism, and I feel convinced that you will ever devote your best attention to everything that may in any way tend to the improvement of the public administration, to a more speedy administration of justice, to the diffusion of public instruction, and to the amelioration of all the branches of the military and naval services, and of the state of our colonies, which are for so many reasons entitled to the consideration of the powers of the State.

In compliance with the Constitutional Precept, my Minister of Finance will lay before you the budget for the financial year 1874–1875, and you will see therefrom, as well as from the reports and bills which will accompany and follow it, that the condition of the public treasury is satisfactory, and that, owing to the measures which you voted, to the efforts made by all, and, in fine, to the fortu-

nate continuation of public tranquillity, the public credit has been gradually improved, and we can venture to look upon the revenue and expenditure as being equally balanced, without any need of an increase of taxation. While calling your enlightened attention to a matter which is so closely connected with the most important interests of the nation, I confide entirely in your wisdom, and I feel certain that, with God's grace, you will do all in your power, in unison with my Government, and never losing sight of what a just economy requires, to effect further improvement in our finances, and thus enable us to profit by the progress of civilization, for the future aggrandisement and prosperity of the country.

The session is opened.

PROTOCOL OF CONFERENCE between the Representatives of Brazil and the United States, consenting to refer to Arbitration the question of Claims arising out of the Loss of the United States' whaling-ship Canada. — Rio de Janeiro, March 14, 1870.

(Translation.)

THE Government of the United States having claimed from the Government of His Majesty the Emperor of Brazil payment to the owners of the United States' whaling-ship *Canada* of an indemnity which the United States considers to be justly due from the Government of His Imperial Majesty to the said owners ;

The Government of His Imperial Majesty denying the liability to make such payment on account of any of the reasons alleged and set forth by the Government of the United States ;

Both parties, being animated by friendly feelings, and each desiring to arrive at a settlement of the said cause of difference, have agreed to submit it to the arbitration of Edward Thornton, Esq., Commander of the Order of the Bath, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Washington. For this purpose it is now necessary to arrange certain terms and clauses with a view to obtain a prompt and convenient examination and solution of the matters submitted to the said arbitration ; and the Undersigned, Baron de Cotegipe, Minister and Secretary of State for Marine Affairs, and *ad interim* for Foreign Affairs, and Henry T. Blow, Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of His Imperial Majesty, duly authorized by their respective Governments, have agreed as follows :—

ART. I. The claim of the Government of the United States

against the Government of Brazil for the indemnification of the owners of the United States' whaler *Canada*, and of the respective cargo, shall be submitted to the arbitration and decision of Edward Thornton, Esq., Commander of the Order of the Bath, Envoy Extraordinary and Minister Plenipotentiary of Her Britannic Majesty at Washington.

II. The decision of the said Arbitrator shall be considered as absolutely final and conclusive, and shall take full effect, without objection, evasion, or delay of any kind whatever.

III. The manuscript or printed statement of each of the two parties, with the documents, correspondence, and proofs upon which each depends, shall be presented to the Arbitrator at Washington by the 1st of June next, or before, and the Arbitrator shall decide the questions submitted to him upon such statement, documents, correspondence, and proofs.

IV. The Secretary of State of the United States and the Minister or other representative of Brazil present in the United States shall be considered as Agents of their respective Governments whom the Arbitrator shall address, and whose acts shall be binding for their respective Governments.

V. The Arbitrator shall be at liberty to employ a clerk for the purpose of the arbitration, and to assign him such remuneration as he shall think sufficient; this and all other expenses of the arbitration shall be paid in equal moieties by the parties as soon as the Arbitrator shall present an account thereof.

VI. If the Arbitrator shall decline to give a decision, all that may have been done in virtue of this Agreement shall be void and of no effect, and each of the two Governments shall be at liberty to proceed as if there had been no arbitration.

Done at Rio de Janeiro, 14th March, 1870.

(L.S.) BARON DE COTEGIPE.

(L.S.) HENRY T. BLOW.

AWARD of the Arbitrator (Mr. Edward Thornton) on the Claim of the United States against Brazil, arising out of the Loss in 1856 of the United States' whaling-ship Canada.—Washington, July 11, 1870.

(Translation.)

THE Governments of Brazil and the United States have done the Undersigned the honour of submitting to his arbitration the question pending between them in respect to the loss in December 1856, of the *Canada*, a whaling-ship of the United States, a loss

which the owners of that ship allege to have been owing to the incompetent intervention of the Brazilian authorities.

Before he enters into the examination of the case, the Arbitrator has to observe that in other similar cases of arbitration it has sometimes been arranged that each of the parties should submit to the other, as well as to the Arbitrator, a copy of the statement made, and that time should be allowed for the production of fresh observations and documents to refute the arguments employed by the adverse party.

The Protocol signed at Rio de Janeiro on the 14th of March, 1870,* does not contain such a provision, and therefore the Undersigned deems himself bound to arrive at a decision in view of the evidence produced, notwithstanding any errors, omissions, or inaccurate statements that may have occurred on either side.

The Undersigned, therefore, after having given the matter all the care and attention within his ability, has arrived at the following conclusions :—

On the part of the United States the question is supported by the protest signed by the captain, 3 mates, and 22 seamen of the *Canada*; and sworn before the Consul of the United States at Pernambuco on the 18th of December, 1856, and by depositions made on oath by the captain, second mate, and 2 of the seamen after their return to New Bedford.

The protest is the usual means employed by captains in cases of damages suffered by their ships, and the depositions appear to be correct. They can only be refuted by convincing proof to the contrary, or by the impossibility of the facts stated.

In refutation of the protest there is the evidence of Francisco Rosa, fourth mate of the *Canada*, which is said to have been given by him on oath on the 2nd of March, 1857. But, inasmuch as the name of this man has the sign of a cross in the record of examination on the 14th of February, 1857, and is not found in the deposition of 2nd March, nor has a copy been given to the Undersigned by the Brazilian Government, it may be supposed that the latter does not give much weight thereto.

On the other hand, Rosa himself, on the 23rd of June, 1858, deposed on oath in the United States that he never signed or swore any declaration in Brazil on the occasion of the loss of the *Canada*, and that the sworn depositions of the captain are true.

It seems that this deposition of Rosa's has not been sent to the Imperial Government. Rosa either forswore himself therein or he did not. In the second case he never gave any evidence in opposition to the declaration of the crew; and if he perjured himself, the evidence of such a man deserves no credit at all, and the Arbitrator can in no wise take it into consideration.

The deposition of Manoel José Paqueno might also be objected to as not signed by him, nor has a copy of it been sent to the Undersigned by the Brazilian Government as part of its case. The Undersigned, therefore, cannot take it into consideration, while he is of opinion that even if it had been submitted in due form by the Imperial Government, the declaration of one sailor only who would abandon his captain without a regular discharge, could not stand against the deposition of the rest of the crew.

The *Canada*, under almost full sail, struck upon the Garças reef on the 27th of November, 1856, at 10 minutes before 7 in the evening. According to the protest, the crew used all their efforts during 4 days to get the ship free of the reef, and so far succeeded that at half-past 4 P.M. on the 1st of December it was at a very short distance from deep water, and, as the captain thought, would have cast anchor in 5½ fathoms. At that time a Brazilian officer came on board with 14 armed men. The Arbitrator believes, and the Government of the United States acknowledges, that the *Canada* was then within Brazilian jurisdiction. It is of little import, therefore, whether that force went on board at the invitation of the captain or without it. But the officer is accused of having, with the aid of the men under his command, prevented by force the crew from continuing to free the ship from the reef. It is in evidence that the captain protested against this act, and threw at last all the responsibility on the Brazilian authorities; that the guard afterwards loosed the moorings, so that the ship went back on to the reef; that next day the captain still offered to take charge of the ship and save her, but that the officer refused to let the ship be got off the reef.

It is possible that the officer thought the ship would run the risk of sinking in deep water, and in the interest of the Brazilian Customs deemed it his duty to avoid exposing it to such danger; but he certainly exceeded what was required of him, for on board his own ship the captain is responsible for its navigation and safety, and should be supreme.

In contradiction of this evidence the only witnesses are Rosa and Paqueno, whose depositions are produced by the Government of the United States, though not by that of Brazil; and the Undersigned has already shown that those depositions need not be taken into consideration. Why were not the officer Fortunato José de Lima, the soldiers under his command, and the Custom-house guards who were on board, examined upon oath after the Imperial Government had received the protest signed by the crew? Their depositions, as ocular witnesses of the occurrences that are said to have taken place, would have been of great value.

The Arbitrator, however, does not consider that the declarations of the crew of the *Canada* have been refuted by evidence.

As to the possibility of the ship being, and having been in fact, clear of the reef, the Undersigned cannot give any weight to the opinion of Sr. Jacintho da Rocha e Silva, or to his unsworn declaration that the ship was not and had not been moved. Hundreds of ships grounded in a much worse position than that of the *Canada* have been saved, notwithstanding the opinion of experienced mariners and even of naval officers of high rank.

And Sr. Jacintho did not stay on board to see with his own eyes whether the ship was moved or not.

Nor has the Arbitrator been able to take into consideration the position of the ship when it was examined on the 14th of February, 1857, 74 days after the captain and crew had left it. Señor Paranhos himself says in his note of the 14th of August, 1868, that the waves which break on those reefs are violent, in consequence of the currents and the ordinary winds; and when it is considered that all she had on board on the 1st of December, 1856, had been discharged before the 14th of February following, and that this operation lightened the ship a good deal, it is impossible to suppose that she had not been raised much above the reef.

The *Canada* struck upon the reef at 10 minutes before 7 P.M., not at low water, as the Minister of the United States says, but an hour and a quarter after high water; for the Undersigned has been informed from the Naval Observatory of the United States, at Washington, that it was high water at that place at 5.34 P.M. on the 27th of November, 1856.

The reef is so soft that it could not seriously damage the ship passing over it at high water, but at the same time it is hard enough to prevent the ship sinking deep as it would in mud or sand. When, then, it is borne in mind that more than 1,200 barrels of water were discharged or pumped out, that heavy anchors and moorings were removed, and the ship was lightened of all articles of small value, there is no reason why the ship should not rise 3 or 4 feet, which, with a little help from high water, would allow the crew to get her clear of the reef.

The Arbitrator is, therefore, bound to credit the declarations of the officers and crew of the *Canada*, and to believe that the loss of the ship was owing to the improper intervention of the officers of the Imperial Government, which is consequently responsible for the damage, as declared further on.

It has been alleged that the claim is prejudiced because a note of the Imperial Government has been left unanswered for some years.

The Undersigned cannot agree with this opinion. The claiming Government may suspend its action from consideration towards the other Government, wherein it sees no disposition to cede to the influence of reason, and in regard to which it does not wish to recur

to force ; or it may itself be engaged in other affairs, and unable to attend to its citizen's claim. But this is no proof that the claim has been abandoned ; and the Undersigned has so much confidence in the justice of the Brazilian Government that he does not suppose it will avail itself of such an argument ; in fact, it declares that it does not intend to do so.

Nor can the fact that the Government of the United States at one time proposed to accept a reduced amount in discharge of the claim have any influence on the Arbitrator. Such offers are made for various reasons. The claimant may be very much in want of money, and may wish to come to an arrangement at once. It may happen that his Government is tired of claiming, and does not wish to embitter the relations between two friendly countries by a useless discussion. An offer is, therefore, made, though it involves a sacrifice. But, when the offer has been refused and the discussion continued until an arbitration is agreed to, it is the duty of the Arbitrator to calculate the amount of the damages in conformity with the proofs submitted to him, and without taking into consideration any proposal that has been made to accept a reduced sum. Indeed, when the offer was made, the rights of the claimants were reserved in case of its rejection.

The Undersigned has now to consider the amount of the indemnification for which the Imperial Government is responsible, and for this he will analyse the different items for which the claim is made.

The *Canada* was built at New York in 1823 as a ship of the first class, and was employed in the passage between that port and Liverpool. From then till 1856 she was always kept in good condition, and impartial persons who understand such matters valued her in 1856 at 18,000 dols. ; so the sum of 15,000 dols. which is claimed is not excessive : but it must be borne in mind that the Imperial Government is only responsible for the actual value of the ship on the 1st of December, 1856, after it had been considerably damaged by striking on the reef. The Undersigned cannot suppose that Captain Ricketson could continue the voyage without putting the ship in dock or on shore and having her repaired, and the Undersigned, from the experience he has had of the country, thinks the ship could not have been put in good condition for less than 5,000 dols., including all expenses. The Arbitrator, therefore, fixes the value of the ship at 10,000 dols. He has also ascertained the expense of preparing a ship of that class for a whaling expedition to last 4 years, for furnishing it with provisions and everything necessary, and he has been assured that in 1856 this would not have cost less than 45,000 dols.

The Undersigned has also examined the accounts produced by the owners, and did not find any item that could be objected to ; he

must, therefore, allow the sum of 41,500 dollars as the value of the preparations, &c.

But it must be taken into account that, as the officers and crew have stated, many articles, though of little value, were thrown into the sea to lighten the ship; the Undersigned has not the particulars of those articles, but he supposes that the captain could hardly replace them in Brazil for less than 2,000 dollars. Therefore, he values the preparations for which the Government of Brazil is responsible at 39,000 dols.

The Arbitrator considers the claim of 3,543 dols. 75 c. for the oil already prepared a just one.

The Undersigned, however, cannot admit in any case the right to probable profits; because the ship might have been lost at the beginning of the voyage; or the expedition might have been altogether a failure and profitless. In the present case this objection has the more force, inasmuch as the *Canada* was commanded by a captain who, very little after sunset; and when it hardly began to be dark, ran his ship aground on a reef, of whose existence and position he ought to have been perfectly aware. Still, the Undersigned cannot admit the validity of any argument that would exempt the Imperial Government from the payment of interest. If the claim itself can be maintained, of which the Arbitrator has no doubt, the claimants have a right to interest.

The Undersigned considers as justly due certain expenses incurred for the maintenance of the crew and their return to their country, as well as 3 months' pay for each man of the crew, which is the amount which the owners of United States' ships are obliged to pay sailors discharged in foreign countries; but he cannot award more than this on the same principle by which he was guided in his opinion that probable profits are inadmissible.

The Undersigned, therefore, calculates the items as follows:—

| | Dols. | c. |
|--|--------|----|
| Value of the ship <i>Canada</i> on the 1st of December, 1856 | 10,000 | 0 |
| Its preparations | 39,000 | 0 |
| 75 barrels of oil at 47 dols. 25 c. per barrel .. | 3,543 | 75 |
| Passage of the crew from Rio Grande do Norte to Pernambuco | 227 | 82 |
| Food and clothing in December and January .. | 432 | 44 |
| Passage of 26 men to the United States at 10 dols. each | 260 | 0 |
| Three months' pay:— | | |
| 1st mate at 100 dols. per month | 300 | 0 |
| 2nd „ 75 „ | 225 | 0 |
| 3rd „ 60 „ | 180 | 0 |

| | Dols. | c. |
|---|---------|----|
| 4th mate at 50 dols. per month | 150 | 0 |
| 4 bargemasters at 40 dols. per month | 480 | 0 |
| 4 " 30 " " " | 360 | 0 |
| 14 men at 12 dols. per month. | 504 | 0 |
| | <hr/> | |
| | 55,663 | 1 |
| Interest at 6 per cent. for $13\frac{1}{2}$ years—from 1st December, 1856, to 1st June, 1870 | 45,077 | 3 |
| | <hr/> | |
| | 100,740 | 4 |

The Undersigned, therefore, decides that the Government of Brazil is responsible to that of the United States, as compensation due to the owners of the American whaler *Canada* and its cargo, for the sum of 100,740 dols. 4 c., payable in coin.*

Washington, 11th July, 1870.

EDW. THORNTON.

ADDITIONAL ARTICLES to the Detailed Regulations of the ^{24th}/_{31st} May, 1872,† for the carrying out of the Convention of the 4th March, 1872,‡ relative to the Exchange of Money Orders between the United Kingdom of Great Britain and Ireland and Italy.—Signed at Florence, December 7, 1875, and at London, December 15, 1875.§

THE Postmaster-General of the United Kingdom of Great Britain and Ireland on the one part;

And the Director-General of Posts of Italy on the other part;

Considering it advisable to introduce certain modifications into the detailed Regulations of the ^{24th}/_{31st} May, 1872, for the execution of the Convention of the 4th March of the same year, relative to the exchange of Money Orders between the two countries, and being empowered by Article II of the Convention of the 4th March, 1872, to modify, when required, the measures necessary for the execution of that Convention, have agreed upon that which follows:—

ART. I. The Articles Nos. 11, 12, 13, 14, 15, 16, 18, and 19 of the above-mentioned detailed Regulations are abrogated, and are replaced by the following Articles:

11. Corrections of errors in the designations of payees shall be effected by the office of exchange of the country to which the issuing office belongs, on the request of the remitter.

* See Brazilian Decree of December 3, 1870, granting an indemnity to owners of the *Canada*. Vol. LXIII. Page 259.

† Vol. LXII. Page 899.

‡ Vol. LXII. Page 16.

§ Signed also in the Italian language.

That office shall be authorized to charge an additional commission.

12. Money Orders not presented for payment during the month of issue, or during the 3 following months, shall be paid only on the special authorization of the office of exchange of the paying country, and with the consent of the office of exchange of the issuing country.

13. The remitter of an unpaid Order who shall have re-obtained possession of the original Order can obtain repayment, but only after the office of exchange of the country of issue shall have asked for the relative advice from the office of exchange of the country of payment, and after this latter shall have certified that it has not paid the order by duplicate, and that it has taken the necessary precautions to prevent payment of the order by duplicate at any future time.

Orders lost may, in the same manner, be repaid to the remitters, but only after the lapse of the time mentioned in the preceding Article.

14. The commission charged on the issue of an Order shall not under any circumstances be returned.

15. The amounts of Money Orders not paid before the termination of 12 months after that time of issue shall belong to the administration of the country of issue.

Each administration, however, reserves to itself the power of paying or repaying the amounts of such Orders to the rightful claimants even after the said period of 12 months has elapsed.

Each of the two administrations shall prepare and despatch to the other administration, at the commencement of each month, a list of the Orders issued by the offices of the one country and not paid by the offices of the other country during the period before mentioned.

16. The advices of Orders issued upon the United Kingdom by the Post Offices of Italy shall be sent to the central office in Turin, which shall transmit them every day as they are received to the central office at London, accompanied by a list in duplicate drawn up on the model of Form A.

These advices shall be impressed on their arrival at London with a dated stamp indicating the sum to be paid in English money, and afterwards they shall be sent to the paying offices.

The same system, reversed, shall be followed with regard to the Orders issued in the United Kingdom on Italy.

The advices of Orders issued in one month which may arrive at the office of exchange of the issuing country in the earlier days of the following month shall be entered on lists supplementary to that of the last day of the month of issue.

It is agreed, however, that if any advices reach the office of exchange after the 10th of the month following that of issue, they shall be included in one of the lists of the current month.

18. At the beginning of every month each administration shall prepare an account, showing the total of each of the lists described in Article 16, having reference to the Money Orders issued by the other administration during the preceding month, including in it the supplementary lists.

The paid Orders shall remain in the possession of the administration of the country of payment.

19. The accounts referred to in the preceding Article shall be incorporated at the end of each quarter by the Italian office in a general account in which shall be credited to each administration—

a. The amounts of Money Orders issued by the other during the quarter :

b. The commission :

c. The amounts of Orders repaid to the remitters in accordance with Article 13 :

d. The amounts of orders not paid, as per Article 15.

II. The new arrangements to which the preceding Articles refer shall come into full operation on the 1st January, 1876.

Drawn up in duplicate and signed—

At London, the 15th December, 1875 :

At Florence, the 7th December, 1875.

JOHN MANNERS, *Postmaster-General of the United Kingdom of Great Britain and Ireland.*

G. BARBAVARA, *il Direttore-Generale delle Poste del Regno d'Italia.*

PORTUGUESE LAW, declaring the Freedom of Libertos, one year after its publication, in each Portuguese Colony.—Lisbon, April 29, 1875.

(Translation.)

DOM LUIZ, by the grace of God King of Portugal and of the Algarves, &c. We give notice to all our subjects that the General Cortes have decreed and we will the following Law :—

CHAPTER I.—*Of the Condition of Freedom conferred on the Freedmen, and of the Guardianship to which they are subject.*

ART. I. One year after the publication of this Law in the provinces beyond sea, the servile condition described in the Decree with force of law of 25th February, 1869,* is considered extinct, and those to whom it refers are declared free.

II. The persons who will thus obtain the condition of freedom are subject to public guardianship, on the terms of the present Law.

§ 1. Those are excepted who shall be engaged in the practice of

any art or calling, those who know how to read and write, or are engaged in public or private instruction.

§ 2. The public guardianship ceases by right on the 29th of April, 1878, by effect of the Decree with force of law of 29th April, 1858.*

III. In each of the provinces of Angola, Mozambique, and St. Thomé and Príncipe there shall be a magistrate, Curator-General, appointed by the Government, whose office it shall be to exercise the public guardianship mentioned in the preceding Article in each of the said provinces, as well as the other functions assigned to him by this Law or that may be so assigned by the Government regulations.

§ 1. The Governor of the Province in Council shall have superior authority over the Curator-General.

§ 2. Their salary shall be 1,200 dols., and for all legal effects they are placed in the same position as the Crown and Exchequer advocates in the provinces beyond sea.

IV. The labour of the persons referred to in Article II is declared free, so that they may arrange its conditions and receive the pay agreed upon.

CHAPTER II.—*Of the Contracts for Labour to be done by persons subject to public guardianship.*

V. The persons who by this Law are subject to public guardianship shall be bound to engage their services for two years, and this engagement must be shown to the authority.

§ 1. These engagements shall be made by preference with the former masters, if they desire it, all the rest being subject to the provisions of this Law.

§ 2. The Curator-General shall take special cognizance of these engagements, and he may oppose them if he find reasons why he should not consent to them.

§ 3. If engagements be not made with the former masters they must be made with others.

§ 4. The regulations must determine the special conditions which, besides those declared by this Law, are to be observed in the engagements, with regard to sex, and the various states of minority and full age.

VI. The engagements may be—

1. For labour only.
2. For labour and settlement on grant of lands.
3. For settlement only on grant of lands.
4. To serve in the same province.
5. To serve in different provinces.

VII The engagements treated of in the foregoing Article must be

made before the public authority that has been authorized to attend to them by the Curator-General, and they must be properly registered.

Sole §. When the engagements are for places out of the province they must also be submitted to the authorities in such places, and be duly registered there.

VIII. No engagement can be entered into without a stipulation of wages, or of wages, maintenance, and clothing.

IX. The tables of the regulations for each province are to fix the minimum of wages, rations, and clothing that must be given to the servants or settlers by the masters or landlords who engage their services, and the working days and working hours in each day, with relation to the callings and the conditions of sex and age.

X. Engagements with conditions of remuneration and warranty inferior to those fixed by the respective regulations shall not be approved.

XI. Engagements for grant of lands shall be made according to the provisions of the Civil Code.

XII. If engagements for grant of lands should also contain the obligation to render services, the latter must not extend to more than a moiety of the available time according to the regulations; they must not be for more than two years, nor must they stipulate a certain price for the sale of goods, or that the said goods be only sold to the landlord.

Sole §. The regulations for each province shall fix the minimum of a grant of lands that can be stipulated for each settler, single or with family.

XIII. Settlers cannot enter into engagements that would separate them from their wives or their children up to the age of 15 years.

XIV. Engagements with obligations to render personal service cannot be sub-let by the master or landlord without the consent of the servant or tenant, except in the cases specially authorized by this Law; and when a sub-letting does take place, it must be done with all the formalities required for the original engagement, and be subject to the same conditions.

XV. The engagements shall only be made by the persons concerned themselves, or by agents duly authorized by the Governor of the Province in Council, on the conditions to be established in the regulations.

XVI. Engagements for rendering services shall not be allowed unless the master shows, before the authority that has to authorize the engagement, that he is a farmer or is engaged in business with a regular establishment. Engagements for domestic service are excepted.

XVII. Advances of wages to be afterwards deducted must not exceed two months in each year.

These advances shall be considered as paid at the end of 12 months from their date if they have not been so previously, and the deduction for them cannot be more than a twelfth in each month.

XVIII. Engagements for rendering services cannot be prolonged before the expiration of their term.

§ 1. At the expiration of the term of the obligatory engagements referred to in Article V, as well as at the free renewal of engagements by settlers and servants, and in engagements newly made, the prescriptions of the present Law shall always be observed, in so far as they can be applied, in the form that will be determined by the Government regulations.

§ 2. The provision in § 1 of Article V is not applicable to these engagements.

XIX. The organization of companies of labourers or workmen to render services to the agriculturists or tradesmen who cannot or do not wish to make engagements for years is authorized.

§ 1. The workmen who engage themselves in this manner cannot do so for longer terms than those fixed in Article V.

§ 2. The regulations shall establish a table of the lowest rate of wages at which engagements can be made, and the other indispensable conditions for such engagements.

§ 3. The table must be revised every year.

§ 4. The conditions of the labour to be thus performed shall be the same as those indicated for the other engagements.

§ 5. The regulations made in each province for the execution of this Article shall be submitted for the approval of the Government of the mother-country.

CHAPTER III.—*Of Engagements for rendering Service and for Settlement out of the respective Provinces.*

XX. Engagements for rendering service and for settlement out of the province shall be subject to the established conditions.

XXI. These engagements may be made by the masters or landlords themselves, on proof of the conditions mentioned in Article XVI, or by agents specially authorized according to the terms of Article XV, and who have given security.

Sole §. The engagements treated of in this Article must be concluded with the established formalities, and the agents must give account to the Curator-General of the engagements which they thus have made.

XXII. The conveyance of settlers or servants can only take place in vessels specially registered for this purpose, on the security or deposit fixed by the regulations, and joint responsibility of ship, owner, and commander.

XXIII. The engagements must always contain an obligation to

pay for the conveyance of the settlers and their families who, on the expiration of the term of engagement, shall wish to return to their country.

XXIV. The Government, if it shall think fit, may authorize the Governor of the Province of St. Thomé and Principe to engage, on account of the province, settlers in any other place, and such engagements may be sub-let to private persons on the same conditions.

XXV. These engagements shall not be allowed if it appear in any way that they serve to encourage the Slave Trade.

XXVI. The embarkation of negro labourers engaged shall not be allowed until the regulations treated of in this Law are made.

CHAPTER IV.—*Of Vagabondage and of the Punishments.*

XXVII. The persons referred to in Article I who, in accordance with Article 256 of the Penal Code, shall be declared vagabonds, shall be liable to forced labour up to two years in the State establishments specially instituted for the purpose, or in the forts and public works of the province, and they shall receive such wages as shall be determined by the respective Governor in Council.

§ 1. They may, however, at any time engage their services to private persons, and then the forced public service will cease.

§ 2. The public authority cannot cede the services of these men to private persons except on the terms authorized by this Law, in the case of Articles XIX and XXIV, or on engagements freely made by the men themselves, according to the established conditions.

XXVIII. Those who disturb or endeavour to disturb the labour of servants or settlers, or entice them to abandon it, will be liable to the punishment fixed in the Penal Code.

XXIX. Persons who have engaged their services cannot be prevented by their masters or landlords from applying to the local protective authorities.

XXX. Those who prevent or endeavour to prevent them shall be punished according to the terms of the Penal Code, and moreover the engagement shall be considered as dissolved if the servant or settler wishes it to be so. In this case the master or landlord shall not be entitled to any indemnification for the part of the term of engagement still unexpired.

XXXI. The Curator-General shall watch over the performance of the engagements, and shall promote, by the proper means, the nullification of those wherein the clauses are not fulfilled.

CHAPTER V.—*Of the Indemnifications for the grant of Freedom.*

XXXII. The Government shall order a strict inquiry to ascertain—

1. The manner in which the registration of the freedmen has

been made in the different provinces, in virtue of the Decree of 14th December, 1854,* and the subsequent legislation.

2. What registers are found in accordance with the conditions of No. 2 of Article II of the Decree of 24th July, 1856.†

3. What is the average value of the servile labour in each province.

XXXIII. In order to have a claim for indemnification it will be necessary for every one interested to prove before the Government Council the number of freedmen that he had in his service, whence they came, the date of their registration, their present age, and the works in which they were employed at the date of this Law, and that he has paid the settled taxes for each slave or freedman of whose service he had the benefit.

XXXIV. The proceedings for the valuation of the indemnification, treated of in Article XXXIII, shall be administrative, and shall be finally decided in the Government Council of the province.

Sole §. The conditions and formalities of these proceedings shall be settled in the Government regulations.

XXXV. The indemnification and the form of its payment can only be determined by law after the fulfilment of the conditions treated of in the preceding Articles.

XXXVI. From the date of the publication of the present Law in each of the provinces beyond sea, all the slaves or freedmen who shall be brought into those provinces shall be considered free by effect of the law, independently of declaration.

Sole §. The Curator-General shall watch, *ex officio*, over the perfect fulfilment of this provision.

XXXVII. The Curators-General shall report every 6 months to the Governors of the provinces on the manner in which this Law is executed, and the Governors shall report thereon to the Government.

XXXVIII. The Government shall make general regulations for the execution of this Law.

XXXIX. The laws to the contrary are revoked.

We therefore command all the authorities to whom the knowledge and execution of the said Law appertain, to fulfil it, and to see that it be fulfilled and observed to the full extent of its provisions.

The Minister and Secretary of State for Foreign Affairs and, *pro tem.*, for Marine and Colonies, is to have it printed, published, and circulated.

Given at the Palace of Ajuda, the 29th of April, 1875.

THE KING.

(Great Seal of the Royal Arms.)

JOAO DE ANDRADE CORVO.

* Vol. XLV. Page 1073.

† Vol. XLVII. Page 909.

*TREATY between Russia and Japan, for the mutual Cession of Territory (Saghalien and Kurile Islands).**—Signed at St. Petersburg, ^{April 25,} ^{May 7,} 1875.†

Sa Majesté l'Empereur de toutes les Russies et Sa Majesté l'Empereur du Japon, désirant mettre un terme aux nombreux inconvénients qui résultent de la possession en commun de l'île de Sakhaline et consolider la bonne intelligence qui existe entre eux, sont convenus de conclure un Traité de cession réciproque, par Sa Majesté l'Empereur de toutes les Russies du groupe des îles Kouriles, et par Sa Majesté l'Empereur du Japon de ses droits sur l'île de Sakhaline (Krafto), et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de toutes les Russies, le Prince Alexandre Gortchacow, son Chancelier de l'Empire, ayant le portrait de Sa Majesté l'Empereur enrichi de diamants, Chevalier des Ordres Russes de St. André en diamants, de St. Wladimir de la première classe, de St. Alexandre Newsky de l'Aigle Blanc, de Ste. Anne de la première classe, et de St. Stanislas de la première classe, Chevalier Grand'-Croix de la Légion d'Honneur de France, de la Toison d'Or d'Espagne, de l'Annonciade d'Italie, de St. Etienne d'Autriche, de l'Aigle Noir de Prusse en diamants, et de plusieurs autres ordres étrangers ; et

Sa Majesté l'Empereur du Japon, le Vice-Amiral Ju-sie Enomotto Takeaki, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour de Sa Majesté l'Empereur de toutes les Russies ;

Lesquels ont arrêté et signé les Articles suivants :—

ART. I. Sa Majesté l'Empereur du Japon, pour elle et ses héritiers, cède à Sa Majesté l'Empereur de toutes les Russies la partie du territoire de l'île de Sakhaline (Krafto), qu'elle possède actuellement, avec tous les droits de souveraineté découlant de cette possession, en sorte que désormais la dite île de Sakhaline (Krafto) toute entière appartiendra intégralement à l'Empire de Russie et que la frontière entre les Empires de Russie et du Japon dans ces parages passera par le détroit de Lapérouse.

II. En échange de la cession à la Russie des droits sur l'île de Sakhaline, énoncée dans l'Article I, Sa Majesté l'Empereur de toutes les Russies, pour elle et ses héritiers, cède à Sa Majesté l'Empereur du Japon le groupe des îles dites Kouriles qu'elle possède actuellement, avec tous les droits de souveraineté découlant de cette possession, en sorte que désormais le dit groupe des Kouriles appartiendra à l'Empire du Japon. Ce groupe comprend les 18 îles ci-dessous nommées : (1) Choumchou, (2) Alaïd,

* Ratified by the Emperor of Russia, ^{April 26,} ^{May 8,} 1875.

† Signed also in the Russian language.

(3) Paramouchig, (4) Makanrouchi, (5) Onékotan, (6) Harimkotan, (7) Ekarma, (8) Chiachkotan, (9) Moussir, (10) Raikoké, (11) Matoua, (12) Rastoua, (13) les îles de Srednéva et Ouchisir, (14) Kétoï, (15) Simousir, (16) Broton, (17) les îlots de Tcherpoï et Brat Tcherpoïeff, et (18) Ouroup, en sorte que la frontière entre les Empires de Russie et du Japon dans ces parages passera par le détroit qui se trouve entre le cap Lopatka de la péninsule de Kamtchatka et l'île de Choumchou.

III. La remise réciproque des territoires désignés dans les deux Articles précédents aura lieu immédiatement après l'échange des ratifications du présent Traité, et les dits territoires passeront à leurs nouveaux possesseurs, avec les revenus, à dater du jour de la prise de possession ; mais la cession réciproque avec droit de possession immédiate doit, toutefois, être considérée complète et absolue à dater du jour de l'échange des ratifications.

La remise formelle sera effectuée par une Commission Mixte composée d'un ou de plusieurs agents nommés par chacune des Hautes Parties Contractantes.

IV.* Dans les territoires réciproquement cédés par les Articles précédents sont compris le droit de propriété sur tous les terrains publics, terres inoccupées, toutes les constructions publiques, fortifications, casernes et autres édifices qui ne sont pas propriété particulière. Toutefois, les constructions et les biens mobiliers appartenant actuellement aux Gouvernements respectifs seront constatés, et leur évaluation sera vérifiée par la Commission citée dans l'Article III ; le montant de l'évaluation sera remboursé par le Gouvernement auquel passe la possession du territoire.

V.† Il est réservé aux habitants des territoires cédés de part et d'autre, sujets Russes et Japonais, de conserver leur nationalité et de rentrer dans leurs pays respectifs ; mais, s'ils préfèrent rester dans les territoires cédés, ils seront maintenus et protégés dans le plein exercice de leur industrie, droit de propriété et religion, sur le même pied que les nationaux, à la condition de se soumettre aux lois et à la juridiction du pays auquel aura passé la possession des territoires respectifs.

VI. En considération des avantages résultant de la cession de l'île de Sakhaline, Sa Majesté l'Empereur de toutes les Russies accorde :—

1. Aux bâtiments Japonais le droit de fréquenter le port Karsakow (Koussoun-Kotan) en franchise de tout droit de port et de douanes pendant la période de 10 années à compter de la date de l'échange des ratifications. À l'expiration de ce terme il dépendra de Sa Majesté Impériale de toutes les Russies de maintenir

* See Declaration. Page 220.

† See Supplementary Article of August $\frac{1}{2}$, 1875. Page 221.

encore cette franchise ou de la suspendre. Sa Majesté l'Empereur de toutes les Russies reconnaît, en outre, au Gouvernement Japonais le droit d'établir un Consul ou Agent Consulaire dans le port Karsakow.

2. Aux bâtimens et aux commerçans Japonais pour la navigation et le commerce dans les ports de la Mer d'Okhotsk et de ceux de Kamtchatka, ainsi que pour la pêche dans ces eaux et le long des côtes les mêmes droits et privilèges que ceux dont jouissent dans l'Empire de Russie les bâtimens et les commerçans des nations les plus favorisées.

VII. Prenant en considération que, quoique les pleins-pouvoirs du Vice-Amiral Enomotto Takeaki ne soient pas encore parvenus à destination, un avis télégraphique constate leur expédition du Japon, on est convenu de ne pas retarder davantage la signature du présent Traité, en y stipulant que la formalité de l'échange des pleins pouvoirs aurait lieu dès que le Plénipotentiaire Japonais se trouverait en possession des siens et qu'un Protocole spécial serait dressé pour constater l'accomplissement de cette formalité.

VIII. Le présent Traité sera approuvé et ratifié par Sa Majesté l'Empereur de toutes les Russies et par Sa Majesté l'Empereur du Japon, et les ratifications en seront échangées à Tokio (Ieddo) dans le délai de 6 mois à compter de la date de la signature, ou plus tôt si faire se peut.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé le cachet de leurs armes.

Fait en double original à St. Pétersbourg le ^{25 Avril,}_{7 Mai,} 1875, correspondant au septième jour du cinquième mois de la huitième année Meiji.

(L.S.) GORTCHACOW.

(L.S.) ENOMOTTO TAKEAKI.

DÉCLARATION.

Le Gouvernement de Sa Majesté l'Empereur de Russie et le Gouvernement de Sa Majesté l'Empereur du Japon, désirant compléter les stipulations de l'Article IV du Traité signé ce même jour entre les Empires de Russie et du Japon, les Soussignés, dûment autorisés à cet effet, sont convenus des dispositions suivantes :—

ART. I. Le Gouvernement Impérial de Russie accepte comme base de l'évaluation à payer au Gouvernement Japonais pour les constructions et les biens mobiliers qui doivent lui être transmis en conformité du Traité de ce même jour les chiffres communiqués par le Gouvernement du Japon, notamment pour les constructions au nombre de 194, 74,063 jens (dollars du Japon), et pour les biens mobiliers 19,814 jens.

II. La Commission Mixte instituée par l'Article III du Traité de ce même jour procédera en commun à la constatation et vérification des constructions et des biens mobiliers devant passer respectivement dans la propriété des Gouvernements de Russie et du Japon. Après la réception du rapport de la Commission concernant la transmission respective des territoires, constructions et des biens mobiliers, ainsi que la constatation du montant définitivement arrêté comme indemnisation due au Gouvernement du Japon, cette somme, défalcation faite du montant qui, du même chef, reviendrait au Gouvernement de Russie, sera payée à St. Pétersbourg, soit au Représentant Diplomatique de l'Empereur du Japon, soit à tout autre agent de Sa Majesté dûment autorisé à cet effet, pas plus tard que dans les 6 mois à compter de la transmission officielle des territoires, constructions et biens mobiliers mutuellement cédés.

III.* Pour compléter et développer l'Article V du Traité signé ce même jour quant aux droits et à la position des sujets respectifs restant sur les territoires réciproquement cédés, ainsi que relativement aux aborigènes de ces territoires, un Article supplémentaire sera négocié et conclu entre le Gouvernement du Japon et le Ministre Résident de Russie à Tokio (Ieddo), qui sera muni à cet effet de pleins-pouvoirs.

IV. Les arrangements contenus dans les 3 Articles précédents auront la même force et vigueur que s'ils avaient été insérés dans le texte du Traité signé ce même jour.

En foi de quoi les Plénipotentiaires respectifs ont dressé la présente déclaration et y ont apposé le cachet de leurs armes.

Fait en double expédition à St. Pétersbourg, le ^{27 Avril,}_{7 Mai,} 1875, correspondant au septième jour du cinquième mois de la huitième année Meiji.

(L.S.) GORTCHACOW.

(L.S.) ENOMOTTO TAKEAKI.

ARTICLE SUPPLÉMENTAIRE.—Tokio, le ¹⁰₂₂ Août, 1875.

Conformément à l'Article III de la Déclaration signée à St. Pétersbourg, le ^{25 Avril,}_{7 Mai,} 1875 (le septième jour du cinquième mois de la huitième année Meiji), et pour compléter et développer l'Article V du Traité signé le même jour, quant aux droits et à la position des sujets respectifs restant sur les territoires réciproquement cédés, ainsi que relativement aux aborigènes de ces territoires, Sa Majesté l'Empereur de toutes les Russies et Sa Majesté l'Empereur du Japon ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté l'Empereur de toutes les Russies, son Chambellan et

* See Supplementary Article of August ¹⁰₂₂, 1875.

Conseiller d'État actuel Charles Struve, son Ministre-Résident au Japon; et

Sa Majesté l'Empereur du Japon, son Ministre des Affaires Étrangères, Terashima Mounenori;

Lesquels, après s'être communiqué leurs pleins-pouvoirs trouvés en bonne et dûe forme, sont convenus de ce qui suit :—

(a) Les habitants des territoires cédés de part et d'autre, sujets Russes et Japonais, qui désireront rester domiciliés dans les localités qu'ils occupent actuellement, seront maintenus dans le plein exercice de leurs industries. Ils conserveront le droit de pêche et de chasse dans les limites qui leur appartiennent actuellement, et ils seront exempts, leur vie durant, de tout impôt sur leurs industries respectives.

(b) Les sujets Russes qui resteront sur les îles Kouriles, et les sujets Japonais qui resteront dans l'île de Sakhaline, seront maintenus et protégés dans le plein exercice de leur droit actuel de propriété. Des certificats leur seront délivrés constatant leur droit d'usufruit et de propriété sur les immeubles qui se trouvent actuellement en leur possession.

(c) Une pleine et parfaite liberté de religion est accordée aux sujets Russes résidant sur les îles Kouriles, ainsi qu'aux sujets Japonais résidant dans l'île de Sakhaline. Les églises, temples, et cimetières seront respectés.

(d) Les aborigènes, tant des îles Kouriles que de Sakhaline, ne jouiront pas du droit de rester domiciliés dans les localités occupées par eux actuellement et de conserver en même temps leur sujétion actuelle. S'ils veulent rester sujets de leur Gouvernement actuel, ils devront quitter leur domicile et s'en aller sur le territoire appartenant à leur Souverain; s'ils veulent rester domiciliés dans les localités qu'ils occupent actuellement, ils devront changer de sujétion. Il leur sera toutefois accordé un terme de 3 ans à dater de la notification à eux du présent Article Supplémentaire pour prendre une décision à ce sujet. Pendant ces 3 ans il leur sera maintenu le droit de pêche, de chasse, ou de toute autre industrie qu'ils exerçaient jusqu'à ce jour, aux mêmes conditions, en ce qui concerne les privilèges et obligations qui existaient pour eux jusqu'ici aux îles Kouriles et dans l'île de Sakhaline, mais pendant tout ce temps ils seront soumis aux lois et aux règlements locaux. À l'expiration de ce terme tous les aborigènes qui se trouveront domiciliés sur les territoires réciproquement cédés deviendront sujets du Gouvernement auquel aura passé la possession du territoire.

(e) Une pleine et parfaite liberté de religion est accordée à tous les aborigènes des îles Kouriles et de l'île de Sakhaline. Les temples et les cimetières seront respectés.

(f) Les arrangements contenus dans les 5 paragraphes précé-

dents auront la même force et vigueur que s'ils avaient été insérés dans le texte du Traité signé à St. Pétersbourg, le ^{25 Avril,}_{7 Mai,} 1875.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Supplémentaire et y ont apposé le cachet de leurs armes.

Fait en double expédition à Tokio le $\frac{1}{2}\frac{0}{2}$ Août, de l'an de grâce 1875, correspondant au vingt-deuxième jour du huitième mois de la huitième année Meiji.

(L.S.) C. STRUVE.

(L.S.) TERASHIMA MOUNENORI.

*ARRANGEMENT for the Exchange of Money Orders between the Money Order Department of India and the Post Office of the Netherlands.—Signed at the Hague, June 3, 1875, and at London, June 17, 1875.**

IN order to establish an exchange of money orders between India and the Netherlands, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of money orders between India and the Netherlands by means of the weekly mail service *viâ* Brindisi.

II. The money order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the money orders being made out and forwarded to the payees by the office of exchange of the country in which the orders are payable.

The offices of exchange shall be, on the side of India, Bombay, and on the side of the Netherlands, the General Money Order Office at the Hague.

III. The amount of orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a money order may be drawn in either country upon the other shall be 10*l*.

V. No money order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing money orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of money orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall

* Signed also in the Dutch language.

be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for money orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular orders referred to.

Applications by remitters for repayment of orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of money orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of money orders expressed in sterling money into its own currency for the purpose of payment.

X. The manner and conditions of paying orders, including stoppage of payment, renewal of orders, issue of duplicate orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of money orders not ultimately paid, *i.e.*, of orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of money orders issued by means of lists of the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The lists sent from India shall not, however, contain any money orders issued in India under dates relating to two different calendar years. Orders issued in India towards the end of one calendar year and not reaching the Indian office of exchange until the first month of the following year shall be entered and communicated to the Netherland office of exchange on separate lists supplementary to the last list of the preceding December. Such supplementary lists shall bear the same date as that of the last list of the preceding December

and also the same number, the number, however, being distinguished by the addition of the letter A in the case of a first supplement, and B in the case of a second supplement. Any orders issued in India, reaching Bombay after the despatch of the second mail of the year following that of issue, shall be treated as if belonging to the year of arrival at Bombay, but shall be entered in the list in red ink.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees.

The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the order shall be made payable.

XIV. Besides the particulars of money orders issued, the lists mentioned in Article XIII shall contain particulars of orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no money orders to communicate.

XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "list numbers."

XVIII. The entries in the lists respecting orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same date and number as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the despatching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching

office. This explanation shall be given with as little delay as possible, and meantime the payment of orders dependent on the irregular entries shall be suspended.

XXII. As soon as the Netherland office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed form B.

The results of the supplementary lists mentioned in Article XIII shall always be included in the accounts of the quarter in which the amounts were paid in.

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, the Hague, to the Financial Secretary, India Office, London, for payment by bill of exchange on the Hague, if the balance be in favour of the Netherlands, and with payment by bill of exchange on London if the balance be in favour of India.

In the case of payment to the Netherlands, the bill of exchange on the Hague shall be for an amount in Netherland currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of money orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, effecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail the offices of correspondence shall be the General Post Office, the Hague, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The department charged with the control of money orders in either country shall have authority to adopt any additional

rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, shall be communicated by the one department to the other.

XXIX. The present arrangement shall take effect on the 1st day of September, 1875. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at the Hague, the 3rd of June, 1875; at London, the 17th of June, 1875.

(L.S.) HOFSTEDE.

(L.S.) A. M. MONTEATH.

(Transmitting Letter.)

List No. , despatched from .
Dated the , 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of money orders payable by your Department, and also of void orders, and of money orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, applications, on each of which there has been noted :—

1. A serial " Application, No. " (which can be quoted by you in any reference thereto) ;
2. The number and date of the list in which the order referred to was originally entered ; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of ; those entered as " not disposed of " will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No. , dated , which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient servant,

To the Controller, Money Order Exchange Office, The Hague ;
or to the Controller, Money Order Office, Bombay.

AA. From the Hague to Bombay.
 No. 187 .
 , dated .
 List of Money Orders drawn in the Netherlands upon India.

| Particulars to be furnished by the Netherland Office. | | | | | | | For the use of the Bombay Office. | | | | | | | | | |
|---|------------------------------|--|-------------------------------|----------------|-------------------|------------------|-----------------------------------|----|-----------------------------|----|----|-----------------------|----------------------------|-----------------------------|----------|--|
| Entry No. | Original No. of Money Order. | Office in which the Money Order was paid in. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | | | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. | |
| | | | | | | £ | s. | d. | R. | A. | P. | | | | | |
| | | | | | Total ... | | | | | | | | | | | |

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

| Indian (A) List in which the Orders were originally included. | | | | | | | For the use of the Bombay Office. | | | | |
|---|-------|-----------|---|------------------|----|----|-----------------------------------|--------------------------|-------------------------------------|-----------------------------------|----------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in Indian Money. | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. |
| | | | | £ | s. | d. | | | | | |
| | | | | | | | | | | | |
| | | | Total ... | | | | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

B.

Quarterly Account of Money Order Exchanges between the Netherlands and India, prepared by the Netherland Office of Exchange, for the Quarter

187 .

[illegible]

ACT of the British Parliament, to amend the Law relating to International Copyright (Dramatic Pieces).

[38 Vict., cap. 12.]

[May 13, 1875.]

WHEREAS by an Act passed in the 15th year of the reign of Her present Majesty, chapter 12, intituled "An Act to enable Her Majesty to carry into effect a Convention with France on the subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in engravings,"* it is enacted that "Her Majesty may, by Order in Council, direct that authors of dramatic pieces which are, after a future time, to be specified in such order, first publicly represented in any foreign country, to be named in such Order, their executors, administrators, and assigns shall, subject to the provisions hereinafter mentioned or referred to, be empowered to prevent the representation in the British dominions of any translation of such dramatic pieces not authorized by them, for such time as may be specified in such Order, not extending beyond the expiration of 5 years from the time at which the authorized translations of such dramatic pieces are first published and publicly represented:"

And whereas by the same Act it is further enacted "that, subject to any provisions or qualifications contained in such Order, and to the provisions in the said Act contained or referred to, the laws and enactments for the time being in force for ensuring to the author of any dramatic piece first publicly represented in the British dominions the sole liberty of representing the same shall be applied for the purpose of preventing the representation of any translations of the dramatic pieces to which such Order extends, which are not sanctioned by the authors thereof:"

And whereas by the 6th section of the said Act it is provided that "nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country:"

And whereas it is expedient to alter or amend the last-mentioned provision under certain circumstances:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; viz. :—

1. In any case in which, by virtue of the enactments hereinbefore recited, any Order in Council has been or may hereafter be made for the purpose of extending protection to the translations of dramatic pieces first publicly represented in any foreign country, it shall be lawful for Her Majesty by Order in Council to direct that

the 6th section of the said Act shall not apply to the dramatic pieces to which protection is so extended; and thereupon the said recited Act shall take effect with respect to such dramatic pieces and to the translations thereof as if the said 6th section of the said Act were hereby repealed.

*ACT of the British Parliament, to amend "The Sea Fisheries Act, 1868."**

[38 Vict., cap. 15.]

[May 28, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Any oyster fishery company which by any local and personal Act passed since the year 1863 is in any manner made subject to the control of the Inspectors of Fisheries for the time being under "The Salmon Fishery Act, 1861,"† shall from and after the passing of this Act be deemed to have obtained an order under Part III of "The Sea Fisheries Act, 1868," and shall in all respects be subject to and under the control of the Board of Trade, and shall, as regards such control, be in the same position as if such company had been original grantees under an order made by the Board of Trade under the said Act, and duly confirmed by Parliament; and all powers vested in such inspectors with respect to any such company shall cease.

Any provision contained in any such local and personal Act which is at variance with any provision of the Sea Fisheries Act, 1868, relating to the control or powers of the Board of Trade, is hereby repealed.

2. In making the inquiries and examination mentioned in the 45th section of "The Sea Fisheries Act, 1868," the Board of Trade, and any inspector appointed by them, shall have and may exercise the same powers as are by the 32nd section of the same Act conferred on an inspector appointed by the said Board in pursuance of that section.

3. Nothing in "The Sea Fisheries Act, 1868," or in the schedule thereto, shall be deemed to repeal or alter any of the regulations for preventing collisions at sea, contained in the schedule to "The Merchant Shipping Act Amendment Act, 1862,"‡ or to take away or

* Vol. LX. Page 1283.

† 24 & 25 Vict., cap. 109.

‡ 25 & 26 Vict., cap. 63.

diminish the power to annul or modify any of the said regulations, and to make new regulations in addition thereto or in substitution therefor, which by the said last-mentioned Act is given to Her Majesty in Council.

4. This Act may be cited as "The Sea Fisheries Act, 1875."

*ACT of the British Parliament, to remove certain doubts with respect to the powers of the Parliament of Canada under Section 18 of "The British North America Act, 1867."**

[38 and 39 Vict., cap. 38.] — [July 19, 1875.]

WHEREAS by section 18 of "The British North America Act, 1867," it is provided as follows: "The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof:"

And whereas doubts have arisen with regard to the power of defining by an Act of the Parliament of Canada, in pursuance of the said section, the said privileges, powers, or immunities; and it is expedient to remove such doubts:

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section 18 of "The British North America Act, 1867," is hereby repealed, without prejudice to anything done under that section, and the following section shall be substituted for the section so repealed:

The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the members thereof respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that any Act of the Parliament of Canada defining such privileges, immunities, and powers shall not confer any privileges, immunities, or powers exceeding those at the passing of such Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland, and by the members thereof.

2. The Act of the Parliament of Canada passed in the thirty-first year of the reign of Her present Majesty, chapter 24, intituled "An Act to provide for oaths to witnesses being administered in certain cases for the purposes of either House of Parliament," shall be deemed to be valid, and to have been valid as from the date at which the Royal assent was given thereto by the Governor-General of the Dominion of Canada.

3. This Act may be cited as "The Parliament of Canada Act, 1875."

ACT of the British Parliament to amend the Act 35 & 36 Vict., cap. 19, for the Prevention and Punishment of Criminal Outrages upon Natives of the Islands in the Pacific Ocean. [Fiji, &c.]

[38 and 39 Vict., cap. 51.]

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[August 2, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act shall be construed as one with the Act of the session of the 35th and 36th years of the reign of Her present Majesty, cap. 19* (in this Act referred to as the principal Act); and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as "The Pacific Islanders Protection Acts, 1872 and 1875," and each of them may be cited separately as "The Pacific Islanders Protection Act" of the year in which it was passed.

2. Whereas by section 3 of the principal Act it is enacted that it shall not be lawful for any British vessel to carry native labourers of the islands in the Pacific Ocean referred to in the said Act, not being part of the crew of such vessel, unless the master has given such bond as is therein mentioned, and has obtained from a Governor of one of the Australasian colonies or a British Consular officer a licence in the form contained in Schedule B to the said Act :

And whereas such licence does not authorize the carrying in a British vessel of the said native labourers for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, and it is expedient to authorize the same : Be it therefore enacted as follows :—

The licence mentioned in sections 3 and 5 of the principal Act may authorize a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connection with the said vessel, and may for that purpose be in the form contained in the Schedule B to this Act, in lieu of the form contained in Schedule B to the principal Act, and the bond mentioned in section 3 of the principal Act shall in such case be in the form contained in Schedule A to this Act in lieu of the form contained in Schedule A to the principal Act.

If a native labourer carried in pursuance of a licence issued under this section is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with "The Merchant Shipping Act, 1854,"* and the Acts amending the same, the engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer.

3. Whereas by sections 6 and 16 of the principal Act provision is made with respect to the detention, seizure, and bringing in for adjudication of a British vessel suspected of being employed or found employed in the commission of the offences therein mentioned, or otherwise as in the said sections mentioned, and it is expedient to amend such provision: Be it therefore enacted as follows :—

Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects.

4. Whereas it is expedient to amend the provisions made by the principal Act with respect to the jurisdiction of the Admiralty Courts: Be it therefore enacted as follows :—

The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of

them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such order as to costs as, subject to the provisions of the principal Act and this Act, the Court may think just.

For the purposes of the principal Act and this Act, any Court mentioned in this section shall have the same powers as are by sections 12 and 13 of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the Supreme Court of any of the Australasian colonies, and further all powers which such Court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise.

5. Sections 19 and 20 of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorized by this Act to be seized or detained.

6. It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized Power, in the same and as ample a manner as if such Power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in Her name and on Her behalf, to make regulations for the government of Her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

It shall be lawful for Her Majesty, by Order in Council, to create a Court of Justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be

exercised by the Court of any British colony designated in such Order, concurrently with the High Commissioner's Court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

It shall also be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

The person for the time being lawfully acting in the capacity of High Commissioner, and any Deputy Commissioner, duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British Consular officer by the principal Act or by any other Act having reference to such Consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British Consular officer.

7. Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty, her heirs or successors, with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within 30 days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within 30 days after the commencement of the next ensuing session.

8. Whereas by reason of the cession to Her Majesty of the Colony of Fiji, it is expedient to amend the definition of Australasian colonies in the principal Act: Be it therefore enacted as follows:—

The term "Australasian Colonies" in the principal Act and this Act shall mean and include the Colony of Fiji.

Subject to the provisions of any Act or Ordinance passed by the Legislature of the Colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to

have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilized Power.

9. The forms in the schedules to the principal Act shall be altered by the substitution of a reference to "The Pacific Islanders Protection Acts, 1872 and 1875," for the reference therein to the principal Act.

10. This Act shall be proclaimed in each Australasian Colony by the Governor thereof within 6 weeks after a copy of it has been received by such Governor, and shall take effect in the said colony from the day of such proclamation.

11. Sections 1, 18, and 21 of the principal Act are hereby repealed, without prejudice to anything duly done or suffered in pursuance of those sections, or any right or liability acquired, accrued, or incurred under those sections, or any investigation, legal proceeding, or remedy in respect of any such right or liability, or otherwise, commenced in pursuance of those sections, and any such investigation, legal proceeding, and remedy may be carried on as if this Act had not passed.

SCHEDULE A.

Form of Bond to be entered into by Masters of Vessels under "The Pacific Islanders Protection Acts, 1872 and 1875."

Know all men by these presents, that we, A.B., of _____, and C.D., of _____, are held and firmly bound unto our Sovereign Lady Queen Victoria, by the grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, in the sum of £500 of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors, to which payment well and truly to be made we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this _____ day of _____, 187 .

Whereas it is enacted by "The Pacific Islanders Protection Act, 1875," that a licence may be given by the Governor of one of the Australian colonies as therein defined, or a British Consular officer, authorizing a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry or occupation in connection with the said vessel;

Now the condition of their obligation is this, that if in respect of the vessel _____, whereof the above bounden A.B. is master, all and every the requirements of the said Acts, so far as they are applicable thereto, and of the licence issued under "The Pacific Islanders Protection Act, 1875," to the said master shall be well and truly performed, and if the above bounden A.B. shall satisfy the Governor of any of Her Majesty's Australian Colonies, or the British Consular officer aforesaid, that no kidnapping was allowed or connived at by any

person on board of or connected with the said vessel during the currency of the said licence, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above (L.S.)
 bounden A.B. and C.D., in the presence
 of E.F., of (L.S.)

SCHEDULE B.

(Royal Arms.)

Licence for the Employment of Natives at Sea.

A.B., master of the , the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [or industry, or occupation, as the case may be,] of , in connection with such vessel, and having given the bond to Her Majesty required by "The Pacific Islanders Protection Acts, 1872 and 1875," I [the Governor of the Colony of , or Her Majesty's Consul of , as the case may be,] do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or as the case may be] not more than native labourers from the day of , 18 , to the day of , 18 .

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

This licence shall not be transferable, and shall be available only for the period aforesaid.

Description of the Vessel above referred to.

| | | | | | |
|---|----|----|----|----|----|
| Tons (registered tonnage) | .. | .. | .. | .. | .. |
| Rig (<i>i.e.</i> , ship, barque, brig, &c.) | .. | .. | .. | .. | .. |
| How painted | .. | .. | .. | .. | .. |
| Name painted on stern | .. | .. | .. | .. | .. |
| Whether any poop | .. | .. | .. | .. | .. |
| Whether any quarter galleries | .. | .. | .. | .. | .. |
| Whether a top-gallant forecastle | .. | .. | .. | .. | .. |
| Name of chief officer | .. | .. | .. | .. | .. |
| Numbers of officers and crew, including surgeon, if any | .. | .. | | | |

Bound from to , and intending to call at and .

Given under my hand and seal at , this day of , 18
 Governor or Consul [as the case may be].
 (L.S.)

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.

ACT of the British Parliament, to provide for the completion of the Distribution of the Sums of Money paid to Her Majesty by the United States of America on account of Awards made by the Commissioners acting under a certain Treaty [May 8, 1871] between Her Majesty and the United States of America (British Claims).

[38 & 39 Vict., cap. 52.]

—

[August 2, 1875.]

WHEREAS a Treaty between Her Majesty and the United States of America was signed at Washington on the 8th day of May, 1871,* and was duly ratified on the 17th day of June of that year :

And whereas it was provided by that Treaty (in this Act referred to as the Washington Treaty of 1871), among other things, that certain claims therein mentioned on the part of British subjects upon the Government of the United States should be referred to 3 Commissioners to be appointed as therein mentioned, and that all sums which might be awarded by those Commissioners on account of any such claim should be paid by the Government of the United States to Her Majesty's Government as therein mentioned :

And whereas the Commissioners were appointed and met and proceeded in manner provided by the Treaty, and awarded certain sums of money on account of divers claims made by British subjects in pursuance of the Treaty, and those sums have been paid by the Government of the United States to Her Majesty's Government :

And whereas the larger portion of the sums so paid has been distributed among the persons entitled thereto :

And whereas the sums awarded in respect of certain claims and more particularly specified in the schedule to this Act, have not been distributed by reason of disputes having arisen respecting the persons to whom such sums should be distributed ; and such sums are now in the hands of the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) :

And whereas it is expedient to make the provision hereinafter appearing for the distribution of the said sums and for the release of the Treasury from all responsibility in respect thereof :

Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows ; that is to say :—

1. The Treasury may cause the sums mentioned in the last column of the schedule to this Act, and all other sums which after the passing of this Act may be in or come to their hands on account of any award made by the Commissioners acting under the Washington Treaty of 1871, to be paid into the High Court of Chancery of

England in like manner as if they were trustees of such sums for persons entitled thereto, and the Court of Chancery may make such orders for the distribution of those sums to or among those persons as may to the Court seem just, and the provisions of the Act of the session of the 10th and 11th years of the reign of her present Majesty, cap. 96, intituled "An Act for better securing trust funds, and the relief of trustees," shall, so far as applicable, apply to all sums paid into the Court of Chancery in pursuance of this section as if they were moneys belonging to a trust within the meaning of that Act.

The affidavit to be filed on the payment of the said sums into Court may be made on behalf of the Treasury by a Secretary of or the Solicitor to the Treasury, or such other person as the Treasury may appoint.

2. The Treasury upon payment of the said sums into the Court of Chancery in pursuance of this Act shall be freed from all liability whatsoever in respect of such sums, or of any award made by the Commissioners acting under the Washington Treaty of 1871 on account of which any of such sums was paid.

3. This Act may be cited as "The Washington Treaty (Claims) Act, 1875."

SCHEDULE.

Sums Undistributed.

| No. of Claim. | Name. | Original award. | Amount payable after 5 per cent. deduction as per Treaty. | Equivalent in sterling re-mitted to the Treasury. |
|---------------|-------------------------------|-----------------|---|---|
| | | \$ | \$ | £ s. d. |
| 81 | P. Eagin, administrator .. | 2,334 | 2,217·30 | 458 2 5 |
| 213 | L. Phillips | 750 | * 118·75 | 24 10 9 |
| 291 | A. Grayson, administratrix .. | 1,637 | 1,555·15 | 321 6 3 |
| 297 | H. Baer, administrator .. | 1,854 | 1,761·30 | 363 18 1 |
| 328 | W. G. Ford, administrator .. | 29,638 | 28,156·10 | 5,817 7 6 |
| 398 | Miller and Mossman .. | 24,300 | 23,085·00 | 4,740 4 11 |
| 399 | E. McLeod, assignee, &c. .. | 1,069 | 1,015·55 | 208 10 8 |

* This amount is the fee retained for J. C. Bennet, attorney: the rest of the award has been paid.

ACT of the British Parliament, for amending the Foreign Jurisdiction Acts (Deportation).

[38 & 39 Vict., cap. 85.]

[August 13, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,
[1874-75. LXVI.] R

and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. Where, by order of the Queen in Council in pursuance of the Foreign Jurisdiction Acts, any court, judge, magistrate, or officer acting or exercising jurisdiction within or in relation to any country or place out of Her Majesty's dominions, is authorized to order the removal or deportation of any person from that country or place, such removal or deportation, and any detention for the purposes thereof, according to the provisions of the Order in Council, shall be as lawful as if the order of the court, judge, magistrate, or officer were to have effect wholly within that country or place.

2. This Act shall be construed as one with "The Foreign Jurisdiction Act, 1843,"* and the Acts amending the same, and together with those Acts may be cited as "The Foreign Jurisdiction Acts, 1843 to 1875," and may be cited separately as "The Foreign Jurisdiction Act, 1875."

CONVENTION entre la Belgique et les Pays-Bas modifiant le Règlement commun pour le Service de Pilotage dans l'Escaut.
— Signée à Anvers, le 29 Juin, 1875.

[Ratifications échangées à la Haye, le 23 Novembre, 1875.]

LE Gouvernement Belge et le Gouvernement Néerlandais, voulant affranchir du droit additionnel, stipulé au § 3 de l'Article XXXVI du Règlement du 20 Mai, 1843,† modifié par la Convention du 15 Juillet, 1863,‡ les bâtimens qui, dans la Manche ou le Pas de Calais, prendront un pilote pour l'une des stations de l'Escaut, ont désigné à cette fin :

Le Gouvernement Belge, MM. J. van Haverbeke et Ch. de Boninge, Commissaires Permanents pour la surveillance commune de la navigation et des services de pilotage, &c., dans l'Escaut ;

Le Gouvernement Néerlandais, MM. Jonkheer H. P. de Kock et H. Engelsman Kleijnhens, Commissaires Permanents pour la surveillance commune de la navigation et des services de pilotage, &c., dans l'Escaut ;

Lesquels, s'étant réunis à Anvers, en vertu des pouvoirs respectifs qui leur ont été conférés, sont convenus des dispositions suivantes :

ART. I. À partir du 1^{er} Janvier, 1876, le droit additionnel, imposé par le § 3 de l'Article XXXVI du Règlement du 20 Mai, 1843,

* Vol. XXXI. Page 984.

† Vol. XXXVII. Page 1249.

‡ Vol. LIII. Page 230.

modifié par la Convention du 15 Juillet, 1863, aux bâtiments qui prennent un pilote dans la Manche ou le Pas de Calais, est aboli.

II. La présente Convention ne sera mise à exécution qu'après approbation des Gouvernements respectifs.

Fait en double expédition à Anvers, le 29 Juin, 1875, dont une expédition en Français et une autre en Néerlandais.

J. VAN HAVERBEKE.

CH. DE BONINGE.

H. DE KOCK.

KLEIJNHENS.

MESSAGE of the President of The United States, on the Opening of Congress.—Washington, December 7, 1875.

TO THE SENATE AND HOUSE OF REPRESENTATIVES:

IN submitting my seventh annual Message to Congress, in this centennial year of our national existence as a free and independent people, it affords me great pleasure to recur to the advancement that has been made from the time of the colonies, 100 years ago. We were then a people numbering only 3,000,000, now we number more than 40,000,000. Then industries were confined almost exclusively to the tillage of the soil, now manufactories absorb much of the labour of the country.

Our liberties remain unimpaired; the bondmen have been freed from slavery; we have become possessed of the respect, if not the friendship, of all civilized nations. Our progress has been great in all the arts; in science, agriculture, commerce, navigation, mining, mechanics, law, medicine, &c.; and in general education the progress is likewise encouraging. Our 13 States have become 38, including Colorado (which has taken the initiatory steps to become a State), and 8 Territories, including the Indian Territory and Alaska, and excluding Colorado, making a territory extending from the Atlantic to the Pacific. On the south we have extended to the Gulf of Mexico, and in the west from the Mississippi to the Pacific.

One hundred years ago the cotton-gin, the steam-ship, the railroad, the telegraph, the reaping, sewing, and modern printing machines, and numerous other inventions of scarcely less value to our business and happiness, were entirely unknown.

In 1776 manufactories scarcely existed even in name in all this vast territory; in 1870 more than 2,000,000 of persons were employed in manufactories, producing more than 2,100,000,000 dols. of products in amount annually, nearly equal to our national debt. From nearly the whole of the population of 1776 being engaged in the one occupation of agriculture, in 1870 so numerous and diversi-

fied had become the occupation of our people that less than 6,000,000 out of more than 40,000,000 were so engaged. The extraordinary effect produced in our country by a resort to diversified occupations has built a market for the products of fertile lands distant from the seaboard and the markets of the world.

The American system of locating various and extensive manufacturing next to the plough and the pasture, and adding connecting railroads and steam-boats, has produced in our distant interior country a result noticeable by the intelligent portions of all commercial nations. The ingenuity and skill of American mechanics have been demonstrated at home and abroad in a manner most flattering to their pride. But for the extraordinary genius and ability of our mechanics, the achievements of our agriculturists, manufacturers, and transporters throughout the country would have been impossible of attainment.

The progress of the miner has also been great. Of coal our production was small; now many millions of tons are mined annually. So with iron, which formed scarcely an appreciable part of our products half a century ago, we now produce more than the world consumed at the beginning of our national existence. Lead, zinc, and copper, from being articles of import, we may expect to be large exporters of in the near future. The development of gold and silver mines in the United States and Territories has not only been remarkable, but has had a large influence upon the business of all commercial nations. Our merchants in the last 100 years have had a success and have established a reputation for enterprise, sagacity, progress, and integrity unsurpassed by peoples of older nationalities. This "good name" is not confined to their homes, but goes out upon every sea and into every port where commerce enters. With equal pride we can point to our progress in all of the learned professions.

As we are now about to enter upon our second centennial—commencing our manhood as a nation—it is well to look back upon the past and study what will be best to preserve and advance our future greatness. From the fall of Adam for his transgression to the present day, no nation has ever been free from threatened danger to its prosperity and happiness. We should look to the dangers threatening us, and remedy them so far as lies in our power. We are a Republic, whereof one man is as good as another before the law. Under such a form of government it is of the greatest importance that all should be possessed of education and intelligence enough to cast a vote with a right understanding of its meaning. A large association of ignorant men cannot, for any considerable period, oppose a successful resistance to tyranny and oppression from the educated few, but will inevitably sink into acquiescence to the will of intelligence, whether directed by the demagogue or by priestcraft.

Hence the education of the masses becomes of the first necessity for the preservation of our institutions. They are worth preserving, because they have secured the greatest good to the greatest proportion of the population of any form of government yet devised. All other forms of government approach it just in proportion to the general diffusion of education and independence of thought and action. As the primary step, therefore, to our advancement in all that has marked our progress in the past century, I suggest for your earnest consideration, and most earnestly recommend it, that a constitutional amendment be submitted to the legislatures of the several States for ratification, making it the duty of each of the several States to establish and for ever maintain free public schools adequate to the education of all the children in the rudimentary branches within their respective limits, irrespective of sex, colour, birthplace, or religions; forbidding the teaching in said schools of religious, atheistic, or pagan tenets; and prohibiting the granting of any school funds or school taxes, or any part thereof, either by legislative, municipal, or other authority, for the benefit or in aid, directly or indirectly, of any religious sect or denomination, or in aid or for the benefit of any other object of any nature or kind whatever.

In connection with this important question, I would also call your attention to the importance of correcting an evil that, if permitted to continue, will probably lead to great trouble in our land before the close of the nineteenth century. It is the accumulation of vast amounts of untaxed church property.

In 1850, I believe, the church property of the United States which paid no tax, municipal or State, amounted to about 83,000,000 dols. In 1860 the amount had doubled; in 1875 it is about 1,000,000,000 dols. By 1900, without check, it is safe to say this property will reach a sum exceeding 3,000,000,000 dols. So vast a sum, receiving all the protection and benefits of Government, without bearing its proportion of the burdens and expenses of the same, will not be looked upon acquiescently by those who have to pay the taxes. In a growing country, where real estate enhances so rapidly with time as in the United States, there is scarcely a limit to the wealth that may be acquired by corporations, religious or otherwise, if allowed to retain real estate without taxation. The contemplation of so vast a property as here alluded to, without taxation, may lead to sequestration without constitutional authority and through blood.

I would suggest the taxation of all property equally, whether church or corporation, exempting only the last resting-place of the dead, and possibly, with proper restrictions, church edifices.

Our relations with most of the foreign Powers continue on a satisfactory and friendly footing.

Increased intercourse, the extension of commerce, and the culti-

vation of mutual interests have steadily improved our relations with the large majority of the Powers of the world, rendering practicable the peaceful solution of questions which from time to time necessarily arise, leaving few which demand extended or particular notice.

The correspondence of the Department of State with our Diplomatic Representatives abroad is transmitted herewith.

I am happy to announce the passage of an Act by the General Cortes of Portugal,* proclaimed since the adjournment of Congress, for the abolition of servitude in the Portuguese colonies. It is to be hoped that such legislation may be another step toward the great consummation to be reached, when no man shall be permitted, directly or indirectly, under any guise, excuse, or form of law, to hold his fellow-man in bondage. I am of opinion also that it is the duty of the United States, as contributing toward that end, and required by the spirit of the age in which we live, to provide by suitable legislation that no citizen of the United States shall hold slaves as property in any other country or be interested therein.

Chile has made reparation in the case of the whale-ship *Good Return*, seized without sufficient cause upward of 40 years ago. Though she had hitherto denied her accountability, the denial was never acquiesced in by this Government, and the justice of the claim has been so earnestly contended for that it has been gratifying that she should have at last acknowledged it.

The arbitrator in the case of the United States' steamer *Montijo*, for the seizure and detention of which the Government of the United States of Colombia was held accountable, has decided in favour of the claim.† This decision has settled a question which had been pending for several years, and which, while it continued open, might more or less disturb the good understanding which it is desirable should be maintained between the two Republics.

A Reciprocity Treaty with the King of the Hawaiian Islands was concluded some months since.‡ As it contains a stipulation that it shall not take effect until Congress shall enact the proper legislation for that purpose, copies of the instrument are herewith submitted, in order that, if such should be the pleasure of Congress, the necessary legislation upon the subject may be adopted.

In March last an arrangement was made, through Mr. Cushing, our Minister in Madrid, with the Spanish Government, for the payment by the latter to the United States of the sum of 80,000 dollars in coin, for the purpose of the relief of the families or persons of the ship's company and certain passengers of the *Virginus*.§ This sum was to have been paid in 3 instalments at two months each. It is due to the Spanish Government that I should state that the

* April 29, 1875. Page 212. † See Award of July 26, 1875. Page 402.

‡ January 30, 1875. Page 112. § See Page 119.

payments were fully and spontaneously anticipated by that Government, and that the whole amount was paid within but a few days more than two months from the date of the agreement, a copy of which is herewith transmitted. In pursuance of the terms of the adjustment I have directed the distribution of the amount among the parties entitled thereto, including the ship's company and such of the passengers as were American citizens. Payments are made accordingly, on the application by the parties entitled thereto.

The past year has furnished no evidence of an approaching termination of the ruinous conflict which has been raging for 7 years in the neighbouring island of Cuba. The same disregard of the laws of civilized warfare and of the just demands of humanity which has heretofore called forth expressions of condemnation from the nations of Christendom has continued to blacken the sad scene. Desolation, ruin, and pillage are pervading the rich fields of one of the most fertile and productive regions of the earth, and the incendiaries' torch, firing plantations and valuable factories and buildings, is the agent marking the alternate advance or retreat of contending parties.

The protracted continuance of this strife seriously affects the interests of all commercial nations, but those of the United States more than others, by reason of close proximity, its larger trade and intercourse with Cuba, and the frequent and intimate personal and social relations which have grown up between its citizens and those of the island. Moreover, the property of our citizens in Cuba is large, and is rendered insecure and depreciated in value and in capacity of production by the continuance of the strife and the unnatural mode of its conduct. The same is true, differing only in degree, with respect to the interests and people of other nations; and the absence of any reasonable assurance of a near termination of the conflict must, of necessity, soon compel the States thus suffering to consider what the interests of their own people and their duty toward themselves may demand.

I have hoped that Spain would be enabled to establish peace in her colony, to afford security to the property and the interests of our citizens, and allow legitimate scope to trade and commerce and the natural productions of the island. Because of this hope, and from an extreme reluctance to interfere in the most remote manner in the affairs of another and a friendly nation, especially of one whose sympathy and friendship in the struggling infancy of our own existence must ever be remembered with gratitude, I have patiently and anxiously waited the progress of events. Our own civil conflict is too recent for us not to consider the difficulties which surround a Government distracted by a dynastic rebellion at home, at the same time that it has to cope with a separate insurrection in a distant

colony. But whatever causes may have produced the situation which so grievously affects our interests, it exists, with all its attendant evils operating directly upon this country and its people. Thus far all the efforts of Spain have proved abortive, and time has marked no improvement in the situation. The armed bands of either side now occupy nearly the same ground as in the past, with the difference, from time to time, of more lives sacrificed, more property destroyed, and wider extents of fertile and productive fields and more and more of valuable property constantly wantonly sacrificed to the incendiaries' torch.

In contests of this nature, where a considerable body of people, who have attempted to free themselves of the control of the superior Government, have reached such point in occupation of territory, in power, and in general organization as to constitute in fact a body politic, having a Government in substance as well as in name, possessed of the elements of stability, and equipped with the machinery for the administration of internal policy and the execution of its laws, prepared and able to administer justice at home, as well as in its dealings with other Powers, it is within the province of those other Powers to recognize its existence as a new and independent nation. In such cases other nations simply deal with an actually existing condition of things, and recognize as one of the Powers of the earth that body politic which, possessing the necessary elements, has, in fact, become a new Power. In a word, the creation of a new State is a fact.

To establish the condition of things essential to the recognition of this fact, there must be a people occupying a known territory, united under some known and defined form of government, acknowledged by those subject thereto, in which the functions of government are administered by usual methods, competent to mete out justice to citizens and strangers, to afford remedies for public and for private wrongs, and able to assume the correlative international obligations, and capable of performing the corresponding international duties resulting from its acquisition of the rights of sovereignty. A Power should exist complete in its organization, ready to take and able to maintain its place among the nations of the earth.

While conscious that the insurrection in Cuba has shown a strength and endurance which make it at least doubtful whether it be in the power of Spain to subdue it, it seems unquestionable that no such civil organization exists which may be recognized as an independent Government capable of performing its international obligations and entitled to be treated as one of the Powers of the earth. A recognition under such circumstances would be inconsistent with the facts, and would compel the Power granting it soon

to support by force the Government to which it had really given its only claim of existence. In my judgment, the United States should adhere to the policy and the principles which have heretofore been its sure and safe guides in like contests between revolted colonies and their mother country, and, acting only upon the clearest evidence, should avoid any possibility of suspicion or of imputation.

A recognition of the independence of Cuba being, in my opinion, impracticable and indefensible, the question which next presents itself is that of the recognition of belligerent rights in the parties to the contest.

In a former Message to Congress I had occasion to consider this question, and reached the conclusion that the conflict in Cuba, dreadful and devastating as were its incidents, did not rise to the fearful dignity of war. Regarding it now, after this lapse of time, I am unable to see that any notable success, or any marked or real advance on the part of the insurgents, has essentially changed the character of the contest. It has acquired greater age, but not greater or more formidable proportions. It is possible that the acts of foreign Powers, and even acts of Spain herself, of this very nature, might be pointed to in defence of such recognition. But now, as in its past history, the United States should carefully avoid the false lights which might lead it into the mazes of doubtful law and of questionable propriety, and adhere rigidly and sternly to the rule, which has been its guide, of doing only that which is right and honest and of good report. The question of according or of withholding rights of belligerency must be judged, in every case, in view of the particular attending facts. Unless justified by necessity, it is always, and justly, regarded as an unfriendly act, and a gratuitous demonstration of moral support to the rebellion. It is necessary, and it is required, when the interests and rights of another Government or of its people are so far affected by a pending civil conflict as to require a definition of its relations to the parties thereto. But this conflict must be one which will be recognized in the sense of international law as war. Belligerence, too, is a fact. The mere existence of contending armed bodies, and their occasional conflicts, do not constitute war in the sense referred to. Applying to the existing condition of affairs in Cuba the tests recognized by publicists and writers on international law, and which have been observed by nations of dignity, honesty, and power, when free from sensitive or selfish and unworthy motives, I fail to find in the insurrection the existence of such a substantial political organization, real, palpable, and manifest to the world, having the forms and capable of the ordinary functions of government toward its own people and to other States, with Courts for the administration of justice, with a local habitation, possessing such organization of force, such material, such

occupation of territory, as to take the contest out of the category of a mere rebellious insurrection, or occasional skirmishes, and place it on the terrible footing of war, to which a recognition of belligerency would aim to elevate it. The contest, moreover, is solely on land ; the insurrection has not possessed itself of a single sea-port whence it may send forth its flag, nor has it any means of communication with foreign Powers except through the military lines of its adversaries. No apprehension of any of those sudden and difficult complications which a war upon the ocean is apt to precipitate upon the vessels, both commercial and national, and upon the Consular officers of other Powers, calls for the definition of their relations to the parties to the contest. Considered as a question of expediency, I regard the accordance of belligerent rights still to be as unwise and premature as I regard it to be, at present, indefensible as a measure of right. Such recognition entails upon the country according the rights which flow from it difficult and complicated duties, and requires the exaction from the contending parties of the strict observance of their rights and obligations. It confers the right of search upon the high seas by vessels of both parties ; it would subject the carrying of arms and munitions of war, which now may be transported freely and without interruption in the vessels of the United States, to detention and to possible seizure ; it would give rise to countless vexatious questions, would release the parent Government from responsibility for acts done by the insurgents, and would invest Spain with the right to exercise the supervision recognized by our Treaty of 1795* over our commerce on the high seas, a very large part of which, in its traffic between the Atlantic and the Gulf States, and between all of them and the States on the Pacific, passes through the waters which wash the shores of Cuba. The exercise of this supervision could scarce fail to lead, if not to abuses, certainly to collisions perilous to the peaceful relations of the two States. There can be little doubt to what result such supervision would before long draw this nation. It would be unworthy of the United States to inaugurate the possibilities of such result, by measures of questionable right or expediency, or by any indirection. Apart from any question of theoretical right, I am satisfied that, while the accordance of belligerent rights to the insurgents in Cuba might give them a hope and an inducement to protract the struggle, it would be but a delusive hope, and would not remove the evils which this Government and its people are experiencing, but would draw the United States into complications which it has waited long and already suffered much to avoid. The recognition of independence, or of belligerency, being thus, in my judgment, equally inadmissible, it remains to consider what course shall be adopted should the conflict

not soon be brought to an end by acts of the parties themselves, and should the evils which result therefrom, affecting all nations, and particularly the United States, continue.

In such event, I am of opinion that other nations will be compelled to assume the responsibility which devolves upon them, and to seriously consider the only remaining measures possible, mediation and intervention. Owing, perhaps, to the large expanse of water separating the island from the peninsula, the want of harmony and of personal sympathy between the inhabitants of the colony and those sent thither to rule them, and want of adaptation of the ancient colonial system of Europe to the present times and to the ideas which the events of the past century have developed, the contending parties appear to have within themselves no depository of common confidence, to suggest wisdom when passion and excitement have their sway, and to assume the part of peace-maker. In this view, in the earlier days of the contest, the good offices of the United States as a mediator were tendered in good faith, without any selfish purpose, in the interest of humanity and in sincere friendship for both parties, but were at the time declined by Spain, with the declaration, nevertheless, that at a future time they would be indispensable. No intimation has been received that in the opinion of Spain that time has been reached. And yet the strife continues with all its dread horrors and all its injuries to the interests of the United States and of other nations. Each party seems quite capable of working great injury and damage to the other, as well as to all the relations and interests dependent on the existence of peace in the island; but they seem incapable of reaching any adjustment, and both have thus far failed of achieving any success whereby one party shall possess and control the island to the exclusion of the other. Under these circumstances, the agency of others, either by mediation or by intervention, seems to be the only alternative which must, sooner or later, be invoked for the termination of the strife. At the same time, while thus impressed, I do not at this time recommend the adoption of any measure of intervention. I shall be ready at all times, and as the equal friend of both parties, to respond to a suggestion that the good offices of the United States will be acceptable to aid in bringing about a peace honourable to both. It is due to Spain, so far as this Government is concerned, that the agency of a third Power, to which I have adverted, shall be adopted only as a last expedient. Had it been the desire of the United States to interfere in the affairs of Cuba, repeated opportunities for so doing have been presented within the last few years; but we have remained passive, and have performed our whole duty and all international obligations to Spain with friendship, fairness, and fidelity, and with a spirit of patience and forbearance which negatives every possible

suggestion of desire to interfere or to add to the difficulties with which she has been surrounded.

The Government of Spain has recently submitted to our Minister at Madrid certain proposals which it is hoped may be found to be the basis, if not the actual submission, of terms to meet the requirements of the particular griefs of which this Government has felt itself entitled to complain. These proposals have not yet reached me in their full text. On their arrival they will be taken into careful examination, and may, I hope, lead to a satisfactory adjustment of the questions to which they refer, and remove the possibility of future occurrences, such as have given rise to our just complaints.

It is understood also that renewed efforts are being made to introduce reforms in the internal administration of the island. Persuaded, however, that a proper regard for the interests of the United States and of its citizens entitle it to relief from the strain to which it has been subjected by the difficulties of the questions, and the wrongs and losses which arise from the contest in Cuba, and that the interests of humanity itself demand the cessation of the strife before the whole island shall be laid waste and larger sacrifices of life be made, I shall feel it my duty, should my hopes of a satisfactory adjustment and of the early restoration of peace and the removal of future causes of complaint be, unhappily, disappointed, to make a further communication to Congress at some period not far remote, and during the present session, recommending what may then seem to me to be necessary.

The Free Zone, so called, several years since established by the Mexican Government in certain of the States of that Republic adjacent to our frontier, remains in full operation. It has always been materially injurious to honest traffic, for it operates as an incentive to traders in Mexico to supply without customs-charges the wants of inhabitants on this side the line, and prevents the same wants from being supplied by merchants of the United States, thereby, to a considerable extent, defrauding our revenue and checking honest commercial enterprise.

Depredations by armed bands from Mexico on the people of Texas near the frontier continue. Though the main object of these incursions is robbery, they frequently result in the murder of unarmed and peaceably-disposed persons; and in some instances even the United States' post-offices and mail-communications have been attacked. Renewed remonstrances upon this subject have been addressed to the Mexican Government, but without much apparent effect. The military force of this Government disposable for service in that quarter is quite inadequate to effectually guard the line, even at those points where the incursions are usually made. An experiment of an armed vessel on the Rio Grande for that purpose is on

trial, and it is hoped that, if not thwarted by the shallowness of the river and other natural obstacles, it may materially contribute to the protection of the herdsmen of Texas.

The proceedings of the Joint Commission under the Convention between the United States and Mexico of the 4th of July, 1868,* on the subject of claims, will soon be brought to a close. The result of those proceedings will then be communicated to Congress.

I am happy to announce that the Government of Venezuela has, upon further consideration, practically abandoned its objection to pay to the United States that share of its revenue which some years since it allotted toward the extinguishment of the claims of foreigners generally. In thus reconsidering its determination that Government has shown a just sense of self-respect which cannot fail to reflect credit upon it in the eyes of all disinterested persons elsewhere. It is to be regretted, however, that its payments on account of claims of citizens of the United States are still so meagre in amount, and that the stipulations of the Treaty in regard to the sums to be paid and the periods when those payments were to take place should have been so signally disregarded.

Since my last annual Message the exchange has been made of the ratification of a Treaty of Commerce and Navigation with Belgium, and of Conventions with the Mexican Republic for the further extension of the Joint Commission respecting claims; with the Hawaiian Islands for commercial reciprocity; and with the Ottoman Empire for extradition; all of which have been duly proclaimed.

The Court of Commissioners of Alabama Claims has prosecuted its important duties very assiduously and very satisfactorily. It convened and was organized on the 22nd day of July, 1874, and, by the terms of the Act under which it was created, was to exist for one year from that date. The Act provided, however, that should it be found impracticable to complete the work of the Court before the expiration of the year, the President might, by proclamation, extend the time of its duration to a period not more than 6 months beyond the expiration of the one year.

Having received satisfactory evidence that it would be impracticable to complete the work within the time originally fixed, I issued a proclamation (a copy of which is presented herewith) extending the time of duration of the Court for a period of 6 months from and after the 22nd day of July last.

A report made through the clerk of the Court (communicated herewith†) shows the condition of the calendar on the 1st of November last, and the large amount of work which has been accomplished. 1,382 claims have been presented, of which 682 had been disposed of at the date of the report. I am informed that 170 cases

were decided during the month of November. Arguments are being made and decisions given in the remaining cases with all the despatch consistent with the proper consideration of the questions submitted. Many of these claims are in behalf of mariners, or depend on the evidence of mariners, whose absence has delayed the taking or the return of the necessary evidence.

It is represented to me that it will be impracticable for the Court to finally dispose of all the cases before it within the present limit of its duration. Justice to the parties claimant, who have been at large expense in preparing their claims and obtaining the evidence in their support, suggests a short extension, to enable the Court to dispose of all the claims which have been presented.

I recommend the legislation which may be deemed proper to enable the Court to complete the work before it.

I recommend that some suitable provision be made, by the creation of a special Court or by conferring the necessary jurisdiction upon some appropriate tribunal, for the consideration and determination of the claims of aliens against the Government of the United States which have arisen within some reasonable limitation of time, or which may hereafter arise, excluding all claims barred by treaty-provisions or otherwise. It has been found impossible to give proper consideration to these claims by the Executive Departments of the Government. Such a tribunal would afford an opportunity to aliens other than British subjects to present their claims on account of acts committed against their persons or property during the rebellion, as also to those subjects of Great Britain whose claims, having arisen subsequent to the 9th day of April, 1865, could not be presented to the late Commission organized pursuant to the provisions of the Treaty of Washington.

The electric telegraph has become an essential and indispensable agent in the transmission of business and social messages. Its operation on land, and within the limit of particular States, is necessarily under the control of the jurisdiction within which it operates. The lines on the high seas, however, are not subject to the particular control of any one Government.

In 1869, a concession was granted by the French Government to a company which proposed to lay a cable from the shores of France to the United States. At that time there was a telegraphic connection between the United States and the continent of Europe (through the possessions of Great Britain at either end of the line), under the control of an association which had, at large outlay of capital and at great risk, demonstrated the practicability of maintaining such means of communication. The cost of correspondence by this agency was great, possibly not too large at the time for a proper remuneration for so hazardous and so costly an enterprise.

It was, however, a heavy charge upon a means of communication which the progress in the social and commercial intercourse of the world found to be a necessity, and the obtaining of this French concession showed that other capital than that already invested was ready to enter into competition, with assurance of adequate return for their outlay. Impressed with the conviction that the interests, not only of the people of the United States, but of the world at large, demanded, or would demand, the multiplication of such means of communication between separated continents, I was desirous that the proposed connection should be made; but certain provisions of this concession were deemed by me to be objectionable, particularly one which gave for a long term of years the exclusive right of telegraphic communication by submarine cable between the shores of France and the United States. I could not concede that any Power should claim the right to land a cable on the shores of the United States, and at the same time deny to the United States, or to its citizens or grantees, an equal right to land a cable on its shores. The right to control the conditions for the laying of a cable within the jurisdictional waters of the United States, to connect our shores with those of any foreign State, pertains exclusively to the Government of the United States, under such limitations and conditions as Congress may impose. In the absence of legislation by Congress, I was unwilling, on the one hand, to yield to a foreign State the right to say that its grantees might land on our shores, while it denied a similar right to our people to land on its shores; and, on the other hand, I was reluctant to deny to the great interests of the world and of civilization the facilities of such communication as were proposed. I therefore withheld any resistance to the landing of the cable on condition that the offensive monopoly feature of the concession be abandoned, and that the right of any cable which may be established by authority of this Government to land upon French territory, and to connect with French land-lines, and enjoy all the necessary facilities or privileges incident to the use thereof upon as favourable terms as any other company, be conceded. As the result thereof the company in question renounced the exclusive privilege, and the representative of France was informed that, understanding this relinquishment to be construed as granting the entire reciprocity and equal facilities which had been demanded, the opposition to the landing of the cable was withdrawn. The cable, under this French concession, was landed in the month of July, 1869, and has been an efficient and valuable agent of communication between this country and the other continent. It soon passed under the control, however, of those who had the management of the cable connecting Great Britain with this continent, and thus whatever benefit to the public might have ensued from competition between the two lines

was lost, leaving only the greater facilities of an additional line, and the additional security in case of accident to one of them. But these increased facilities and this additional security, together with the control of the combined capital of the two companies, gave also greater power to prevent the future construction of other lines, and to limit the control of telegraphic communication between the two continents to those possessing the lines already laid. Within a few months past a cable has been laid; known as the United States Direct Cable Company, connecting the United States directly with Great Britain. As soon as this cable was reported to be laid and in working order, the rates of the then existing consolidated companies were greatly reduced. Soon, however, a break was announced in this new cable, and immediately the rates of the other line, which had been reduced, were again raised. This cable being now repaired, the rates appear not to be reduced by either line from those formerly charged by the consolidated companies.

There is reason to believe that large amounts of capital, both at home and abroad, are ready to seek profitable investment in the advancement of this useful and most civilizing means of intercourse and correspondence. They await, however, the assurance of the means and conditions on which they may safely be made tributary to the general good.

As these cable telegraph lines connect separate States, there are questions as to their organization and control, which probably can be best, if not solely, settled by Conventions between the respective States. In the absence, however, of international Conventions on the subject, municipal legislation may secure many points which appear to me important, if not indispensable for the protection of the public against the extortions which may result from a monopoly of the right of operating cable-telegrams, or from a combination between several lines :

I. No line should be allowed to land on the shores of the United States under the concession from another Power, which does not admit the right of any other line or lines, formed in the United States, to land and freely connect with and operate through its land-lines.

II. No line should be allowed to land on the shores of the United States which is not by Treaty-stipulation with the Government from whose shores it proceeds, or by prohibition in its charter, or otherwise to the satisfaction of this Government, prohibited from consolidating or amalgamating with any other cable telegraph line, or combining therewith for the purpose of regulating and maintaining the cost of telegraphing.

III. All lines should be bound to give precedence in the transmission of the official messages of the Governments of the two countries between which it may be laid.

IV. A power should be reserved to the two Governments, either conjointly or to each, as regards the messages despatched from its shores, to fix a limit to the charges to be demanded for the transmission of messages.

I present this subject to the earnest consideration of Congress.

In the mean time, and unless Congress otherwise direct, I shall not oppose the landing of any telegraphic cable which complies with and assents to the points above enumerated, but will feel it my duty to prevent the landing of any which does not conform to the first and second points as stated, and which will not stipulate to concede to this Government the precedence in the transmission of its official messages, and will not enter into a satisfactory arrangement with regard to its charges.

Among the pressing and important subjects to which, in my opinion, the attention of Congress should be directed are those relating to fraudulent naturalization and expatriation.

The United States, with great liberality, offers its citizenship to all who in good faith comply with the requirements of law. These requirements are as simple and upon as favourable terms to the emigrant as the high privilege to which he is admitted can or should permit. I do not propose any additional requirements to those which the law now demands. But the very simplicity and the want of unnecessary formality in our law have made fraudulent naturalization not infrequent, to the discredit and injury of all honest citizens, whether native or naturalized. Cases of this character are continually being brought to the notice of the Government by our Representatives abroad, and also those of persons resident in other countries, most frequently those who, if they have remained in this country long enough to entitle them to become naturalized, have generally not much overpassed that period, and have returned to the country of their origin, where they reside, avoiding all duties to the United States by their absence, and claiming to be exempt from all duties to the country of their nativity and of their residence by reason of their alleged naturalization. It is due to this Government itself and to the great mass of the naturalized citizens who entirely, both in name and in fact, become citizens of the United States, that the high privilege of citizenship of the United States should not be held by fraud or in derogation of the laws and of the good name of every honest citizen. On many occasions it has been brought to the knowledge of the Government that certificates of naturalization are held, and protection or interference claimed, by parties who admit that not only they were not within the United States at the time of the pretended naturalization, but that they have never resided in the United States: in others, the certificate and record of the court show on

their face that the person claiming to be naturalized had not resided the required time in the United States; in others, it is admitted upon examination that the requirements of law have not been complied with; in some cases even, such certificates have been matter of purchase. These are not isolated cases, arising at rare intervals, but of common occurrence, and which are reported from all quarters of the globe. Such occurrences cannot, and do not, fail to reflect upon the Government and injure all honest citizens. Such a fraud being discovered, however, there is no practicable means within the control of the Government by which the record of naturalization can be vacated; and should the certificate be taken up, as it usually is, by the Diplomatic and Consular Representatives of the Government to whom it may have been presented, there is nothing to prevent the person claiming to have been naturalized from obtaining a new certificate from the court in place of that which has been taken from him.

The evil has become so great and of such frequent occurrence that I cannot too earnestly recommend that some effective measures be adopted to provide a proper remedy and means for the vacating of any record thus fraudulently made, and of punishing the guilty parties to the transaction.

In this connection I refer also to the question of expatriation and the election of nationality.

The United States was foremost in upholding the right of expatriation, and was principally instrumental in overthrowing the doctrine of perpetual allegiance. Congress has declared the right of expatriation to be a natural and inherent right of all people; but, while many other nations have enacted laws providing what formalities shall be necessary to work a change of allegiance, the United States has enacted no provisions of law, and has in no respect marked out how and when expatriation may be accomplished by its citizens. Instances are brought to the attention of the Government where citizens of the United States, either naturalized or native-born, have formally become citizens or subjects of foreign Powers, but who, nevertheless, in the absence of any provisions of legislation on this question, when involved in difficulties, or when it seems to be their interest, claim to be citizens of the United States, and demand the intervention of a Government which they have long since abandoned, and to which for years they have rendered no service, nor held themselves in any way amenable.

In other cases naturalized citizens, immediately after naturalization, have returned to their native country, have become engaged in business, have accepted offices or pursuits inconsistent with American citizenship, and evidence no intent to return to the United States until called upon to discharge some duty to the

country where they are residing, when at once they assert citizenship, and call upon the Representatives of the Government to aid them in their unjust pretensions. It is but justice to all *bonâ fide* citizens that no doubt should exist on such questions, and that Congress should determine by enactment of law how expatriation may be accomplished, and change of citizenship be established.

I also invite your attention to the necessity of regulating by law the status of American women who may marry foreigners, and of defining more fully that of children born in a foreign country of American parents who may reside abroad ; and also of some further provision regulating or giving legal effect to marriages of American citizens contracted in foreign countries. The correspondence submitted herewith shows a few of the constantly occurring questions on these points presented to the consideration of the Government. There are few subjects to engage the attention of Congress on which more delicate relations or more important interests are dependent.

In the month of July last the building erected for the Department of State was taken possession of and occupied by that Department. I am happy to announce that the archives and valuable papers of the Government in the custody of that Department are now safely deposited and properly cared for.

The report of the Secretary of the Treasury shows the receipts from Customs for the fiscal year ending June 30, 1874, to have been 163,103,833·69 dollars, and for the fiscal year ending June 30, 1875, to have been 157,167,722·35 dollars, a decrease for the last fiscal year of 5,936,111·34 dollars. Receipts from internal revenue for the year ending the 30th of June, 1874, were 102,409,784·90 dollars, and for the year ending June 30, 1875, 110,007,493·58 dollars ; increase, 7,597,708·68 dollars.

The report also shows a complete history of the workings of the Department for the last year, and contains recommendations for reforms and for legislation which I concur in, but cannot comment on so fully as I should like to do if space would permit, but will confine myself to a few suggestions which I look upon as vital to the best interests of the whole people—coming within the purview of “Treasury”—I mean specie resumption. Too much stress cannot be laid upon this question, and I hope Congress may be induced, at the earliest day practicable, to insure the consummation of the act of the last Congress, at its last session, to bring about specie resumption “on and after the 1st of January, 1879,” at furthest. It would be a great blessing if this could be consummated even at an earlier day.

Nothing seems to me more certain than that a full, healthy, and permanent reaction cannot take place in favour of the industries and financial welfare of the country until we return to a measure of

values recognized throughout the civilized world. While we use a currency not equivalent to this standard, the world's recognized standard, specie, becomes a commodity like the products of the soil, the surplus seeking a market wherever there is a demand for it.

Under our present system we should want none, nor would we have any, were it not that Customs-dues must be paid in coin, and because of the pledge to pay interest on the public debt in coin. The yield of precious metals would flow out for the purchase of foreign productions and leave the United States "hewers of wood and drawers of water" because of wiser legislation on the subject of finance by the nations with whom we have dealings. I am not prepared to say that I can suggest the best legislation to secure the end most heartily recommended. It will be a source of great gratification to me to be able to approve any measure of Congress looking effectively toward securing "resumption."

Unlimited inflation would probably bring about specie payments more speedily than any legislation looking to the redemption of the legal-tenders in coin. But it would be at the expense of honour. The legal-tenders would have no value beyond settling present liabilities, or, properly speaking, repudiating them. They would buy nothing after debts were all settled.

There are a few measures which seem to me important in this connection, and which I commend to your earnest consideration:—

A repeal of so much of the Legal-Tender Act as makes these notes receivable for debts contracted after a date to be fixed in the Act itself, say not later than the 1st of January, 1877. We should then have quotations at real values, not fictitious ones. Gold would no longer be at a premium, but currency at a discount. A healthy reaction would set in at once, and with it a desire to make the currency equal to what it purports to be. The merchants, manufacturers, and tradesmen of every calling could do business on a fair margin of profit, the money to be received having an unvarying value. Labourers and all classes who work for stipulated pay or salary would receive more for their income, because extra profits would no longer be charged by the capitalist to compensate for the risk of a downward fluctuation in the value of the currency.

Second, that the Secretary of the Treasury be authorized to redeem say not to exceed 2,000,000 dollars monthly of legal-tender notes, by issuing in their stead a long bond, bearing interest at the rate of 3·65 per cent. per annum, of denominations ranging from 50 dollars up to 1,000 dollars each. This would in time reduce the legal-tender notes to a volume that could be kept afloat without demanding redemption in large sums suddenly.

Third, that additional power be given to the Secretary of the Treasury to accumulate gold for final redemption, either by in-

creasing revenue, curtailing expenses, or both—it is preferable to do both; and I recommend that reduction of expenditures be made wherever it can be done without impairing Government obligations or crippling the due execution thereof. One measure for increasing the revenue—and the only one I think of—is the restoration of the duty on tea and coffee. These duties would add probably 18,000,000 dollars to the present amount received from imports, and would in no way increase the prices paid for those articles by the consumers.

These articles are the products of countries collecting revenue from exports, and as we, the largest consumers, reduce the duties, they proportionately increase them. With this addition to the revenue, many duties now collected, and which give but an insignificant return for the cost of collection, might be remitted, and to the direct advantage of consumers at home.

I would mention those articles which enter into manufactures of all sorts. All duty paid upon such articles goes directly to the cost of the article when manufactured here, and must be paid for by the consumers. These duties not only come from the consumers at home, but act as a protection to foreign manufacturers of the same completed articles in our own and distant markets.

I will suggest, or mention, another subject bearing upon the problem of “how to enable the Secretary of the Treasury to accumulate balances.” It is to devise some better method of verifying claims against the Government than at present exists through the Court of Claims, especially those claims growing out of the late war. Nothing is more certain than that a very large percentage of the amounts passed and paid are either wholly fraudulent or are far in excess of the real losses sustained. The large amount of losses proven—on good testimony according to existing laws, by affidavits of fictitious or unscrupulous persons—to have been sustained on small farms and plantations are not only far beyond the possible yield of those places for any one year, but, as every one knows who has had experience in tilling the soil, and who has visited the scenes of these spoliations, are in many instances more than the individual claimants were ever worth, including their personal and real estate.

The report of the Attorney-General, which will be submitted to Congress at an early day, will contain a detailed history of awards made, and of claims pending of the class here referred to.

The report of the Secretary of War, accompanying this Message, gives a detailed account of army operations for the year just passed, expenses for maintenance, &c., with recommendations for legislation to which I respectfully invite your attention. To some of these I invite special attention:—

First, the necessity of making 300,000 dollars of the appropriation for the Subsistence Department available before the beginning

of the next fiscal year. Without this provision troops at points distant from supply production must either go without food or existing laws must be violated. It is not attended with cost to the Treasury.

Second, his recommendation for the enactment of a system of annuities for the families of deceased officers by voluntary deductions from the monthly pay of officers. This again is not attended with burden upon the Treasury, and would for the future relieve much distress which every old army officer has witnessed in the past — of officers dying suddenly or being killed, leaving families without even the means of reaching their friends, if fortunate enough to have friends to aid them.

Third, the repeal of the law abolishing mileage, and a return to the old system.

Fourth, the trial with torpedoes under the Corps of Engineers, and appropriation for the same. Should war ever occur between the United States and any maritime Power, torpedoes will be among, if not the most effective and cheapest auxiliary for the defence of harbours, and also in aggressive operations, that we can have. Hence it is advisable to learn by experiment their best construction and application as well as effect.

Fifth, a permanent organization for the Signal Service Corps. This service has now become a necessity of peace as well as war, under the advancement made by the present able management.

Sixth, a renewal of the appropriation for compiling the official records of the war, &c.

The condition of our navy at this time is a subject of satisfaction. It does not contain, it is true, any of the powerful cruising iron-clads which make so much of the maritime strength of some other nations, but neither our continental situation nor our foreign policy requires that we should have a large number of ships of this character, while this situation and the number of our ports combine to make those of other nations little dangerous to us under any circumstances.

Our navy does contain, however, a considerable number of iron-clads of the monitor class, which, though not properly cruisers, are powerful and effective for harbour defence and for operations near our own shores. Of these all the single-turreted ones, 15 in number, have been substantially rebuilt, their rotten wooden beams replaced with iron, their hulls strengthened, and their engines and machinery thoroughly repaired, so that they are now in the most efficient condition and ready for sea as soon as they can be manned and put in commission.

The 5 double-turreted iron-clads belonging to our navy, by far the most powerful of our ships for fighting purposes, are also in

hand undergoing complete repairs, and could be ready for sea in periods varying from 4 to 6 months. With these completed according to the present design, and our two iron torpedo-boats now ready, our iron-clad fleet will be, for the purposes of defence at home, equal to any force that can readily be brought against it.

Of our wooden navy also, cruizers of various sizes, to the number of about 40, including those now in commission, are in the Atlantic, and could be ready for duty as fast as men could be enlisted for those not already in commission. Of these, one-third are in effect new ships, and though some of the remainder need considerable repairs to their boilers and machinery, they all are, or can readily be made, effective.

This constitutes a fleet of more than 50 war-ships, of which 15 are iron-clad, now in hand on the Atlantic coast. The navy has been brought to this condition by a judicious and practical application of what could be spared from the current appropriations of the last few years, and from that made to meet the possible emergency of two years ago. It has been done quietly, without proclamation or display, and though it has necessarily straitened the Department in its ordinary expenditure, and, as far as the iron-clads are concerned, has added nothing to the cruising force of the navy, yet the result is not the less satisfactory because it is to be found in a great increase of real rather than apparent force. The expenses incurred in the maintenance of an effective naval force in all its branches are necessarily large, but such force is essential to our position, relations, and character, and affects seriously the weight of our principles and policy throughout the whole sphere of national responsibilities.

The estimates for the regular support of this branch of the service for the next year amount to a little less in the aggregate than those made for the current year; but some additional appropriations are asked for objects not included in the ordinary maintenance of the navy, but believed to be of pressing importance at this time. It would, in my opinion, be wise at once to afford sufficient means for the immediate completion of the 5 double-turreted monitors now undergoing repairs, which must otherwise advance slowly, and only as money can be spared from current expenses. Supplemented by these, our navy, armed with the destructive weapons of modern warfare, manned by our seamen, and in charge of our instructed officers, will present a force powerful for the home purposes of a responsible though peaceful nation.

The report of the Postmaster-General, herewith transmitted, gives a full history of the workings of the Department for the year just passed. It will be observed that the deficiency to be supplied from the general Treasury increased over the amount required for the preceding year. In a country so vast in area as the United

States, with large portions sparsely settled, it must be expected that this important service will be more or less a burden upon the Treasury for many years to come. But there is no branch of the public service which interests the whole people more than that of cheap and rapid transmission of the mails to every inhabited part of our territory. Next to the free school, the post office is the great educator of the people, and it may well receive the support of the General Government.

The subsidy of 150,000 dollars per annum given to vessels of the United States for carrying the mails between New York and Rio de Janeiro having ceased on the 30th day of September last, we are without direct mail facilities with the South American States. This is greatly to be regretted, and I do not hesitate to recommend the authorization of a renewal of that contract, and also that the service may be increased from monthly to semi-monthly trips. The commercial advantages to be gained by a direct line of American steamers to the South American States will far outweigh the expense of the service.

By Act of Congress approved March 3, 1875, almost all matter, whether properly mail-matter or not, may be sent any distance through the mails, in packages not exceeding 4 pounds in weight, for the sum of 16 cents per pound. So far as the transmission of real mail-matter goes, this would seem entirely proper. But I suggest that the law be so amended as to exclude from the mails merchandise of all descriptions, and limit this transportation to articles enumerated, and which may be classed as mail-matter proper.

The discovery of gold in the Black Hills, a portion of the Sioux reservation, has had the effect to induce a large emigration of miners to that point. Thus far the effort to protect the Treaty rights of the Indians to that section has been successful, but the next year will certainly witness a large increase of such emigration. The negotiations for the relinquishment of the gold-fields having failed, it will be necessary for Congress to adopt some measures to relieve the embarrassment growing out of the causes named. The Secretary of the Interior suggests that the supplies now appropriated for the sustenance of that people being no longer obligatory under the Treaty of 1868, but simply a gratuity, may be issued or withheld at his discretion.

The condition of the Indian territory, to which I have referred in several of my former annual Messages, remains practically unchanged. The Secretary of the Interior has taken measures to obtain a full report of the condition of that territory, and will make it the subject of a special report at an early day. It may then be necessary to make some further recommendation in regard to legislation for the government of that territory.

The steady growth and increase of the business of the Patent Office indicates, in some measure, the progress of the industrial activity of the country. The receipts of the Office are in excess of its expenditures, and the Office generally is in a prosperous and satisfactory condition.

The report of the General Land Office shows that there were 2,459,601 acres less disposed of during this than during the last year. More than one-half of this decrease was in lands disposed of under the homestead and timber culture laws. The cause of this decrease is supposed to be found in the grasshopper scourge and the droughts which prevailed so extensively in some of the frontier States and territories during that time as to discourage and deter entries by actual settlers. The cash receipts were less by 690,322.23 dollars than during the preceding year.

The entire surveyed area of the public domain is 680,253,094 acres, of which 26,077,531 acres were surveyed during the past year, leaving 1,154,471,762 acres still unsurveyed.

The report of the Commissioner presents many interesting suggestions in regard to the management and disposition of the public domain and the modification of existing laws, the apparent importance of which should insure for them the careful consideration of Congress.

The number of pensioners still continues to decrease, the highest number having been reached during the year ending June 30, 1873. During the last year 11,557 names were added to the rolls, and 12,977 were dropped therefrom, showing a net decrease of 1,420. But while the number of pensioners has decreased, the annual amount due on the pension-rolls has increased 44,733.13 dollars. This is caused by the greatly increased average rate of pensions, which, by the liberal legislation of Congress, has increased from 90.26 dollars in 1872 to 103.91 dollars in 1875 to each invalid pensioner, an increase in the average rate of 15 per cent. in the 3 years. During the year ending June 30, 1875, there was paid on account of pensions, including the expenses of disbursement, 29,683,116 dollars, being 910,632 dollars less than was paid the preceding year. This reduction in the amount of expenditures was produced by the decrease in the amount of arrearages due on allowed claims, and on pensions, the rate of which was increased by the legislation of the preceding session of Congress. At the close of the last fiscal year there were on the pension-rolls 234,821 persons, of whom 210,363 were army pensioners, 105,478 being invalids and 104,885 widows and dependent relatives; 3,420 were navy pensioners, of whom 1,636 were invalids and 1,784 widows and dependent relatives; 21,038 were pensioners of the war of 1812, 15,875 of whom were survivors and 5,163 were widows.

It is estimated that 29,535,000 dollars will be required for the payment of pensions for the next fiscal year, an amount 965,000 dollars less than the estimate for the present year.

The geological explorations have been prosecuted with energy during the year, covering an area of about 40,000 square miles in the territories of Colorado, Utah, and New Mexico, developing the agricultural and mineral resources, and furnishing interesting scientific and topographical details of that region.

The method for the treatment of the Indians, adopted at the beginning of my first term, has been steadily pursued and with satisfactory and encouraging results. It has been productive of evident improvement in the condition of that race, and will be continued, with only such modifications as further experience may indicate to be necessary.

The Board heretofore appointed to take charge of the articles and materials pertaining to the War, the Navy, the Treasury, the Interior, and the Post Office Departments, and the Department of Agriculture, the Smithsonian Institution, and the Commission of Food Fishes, to be contributed, under the legislation of last session, to the International Exhibition to be held at Philadelphia during the centennial year 1876, has been diligent in the discharge of the duties which have devolved upon it; and the preparations so far made with the means at command give assurance that the governmental contribution will be made one of the marked characteristics of the Exhibition. The Board has observed commendable economy in the matter of the erection of a building for the governmental exhibit, the expense of which it is estimated will not exceed, say, 80,000 dollars. This amount has been withdrawn, under the law, from the appropriations of 5 of the principal Departments, which leaves some of those Departments without sufficient means to render their respective practical exhibits complete and satisfactory. The Exhibition being an international one, and the Government being a voluntary contributor, it is my opinion that its contribution should be of a character, in quality and extent, to sustain the dignity and credit of so distinguished a contributor. The advantages to the country of a creditable display are, in an international point of view, of the first importance, while an indifferent or uncreditable participation by the Government would be humiliating to the patriotic feelings of our people themselves. I commend the estimates of the Board for the necessary additional appropriations to the favourable consideration of Congress.

The Powers of Europe, almost without exception, many of the South American States, and even the more distant Eastern Powers, have manifested their friendly sentiments towards the United States and the interest of the world in our progress by taking steps to join

with us in celebrating the centennial of the nation, and I strongly recommend that a more national importance be given to this Exhibition by such legislation and by such appropriation as will insure its success. Its value in bringing to our shores innumerable useful works of art and skill, the commingling of the citizens of foreign countries and our own, and the interchange of ideas and manufactures, will far exceed any pecuniary outlay we may make.

I transmit herewith the report of the Commissioners of Agriculture, together with the reports of the Commissioners, the Board of Audit, and the Board of Health of the District of Columbia, to all of which I invite your attention.

The Bureau of Agriculture has accomplished much in disseminating useful knowledge to the agriculturist, and also in introducing new and useful productions adapted to our soil and climate, and is worthy of the continued encouragement of the Government.

The report of the Commissioner of Education, which accompanies the report of the Secretary of the Interior, shows a gratifying progress in educational matters.

In nearly every annual Message that I have had the honour of transmitting to Congress I have called attention to the anomalous, not to say scandalous condition of affairs existing in the territory of Utah, and have asked for a definite legislation to correct it. That polygamy should exist in a free, enlightened, and Christian country, without the power to punish so flagrant a crime against decency and morality, seems preposterous. True, there is no law to sustain this unnatural vice, but what is needed is a law to punish it as a crime, and at the same time to fix the status of the innocent children, the offspring of this system, and of the possibly innocent plural wives. But, as an institution, polygamy should be banished from the land.

While this is being done, I invite the attention of Congress to another, though perhaps no less an evil, the importation of Chinese women, but few of whom are brought to our shores to pursue honourable or useful occupations.

Observations while visiting the territories of Wyoming, Utah, and Colorado, during the past autumn, convinced me that existing laws regulating the disposition of public lands, timber, &c., and probably the mining laws themselves, are very defective, and should be carefully amended, and at an early day. In territory where cultivation of the soil can only be followed by irrigation, and where irrigation is not practicable, the lands can only be used as pasturage, and this only where stock can reach water (to quench its thirst), cannot be governed by the same laws as to entries as lands every acre of which is an independent estate by itself.

Land must be held in large quantities to justify the expense of conducting water upon it to make it fruitful, or to justify utilizing

it as pasturage. The timber in most of the territories is principally confined to the mountain regions which are held for entry in small quantities only, and as mineral lands. The timber is the property of the United States, for the disposal of which there is no adequate law. The settler must become a consumer of this timber whether he lives upon the plain or engages in working the mines. Hence every man becomes either a trespasser himself, or, knowingly, a patron of trespassers.

My opportunities for observation were not sufficient to justify me in recommending specific legislation on these subjects, but I do recommend that a joint committee of the two Houses of Congress—sufficiently large to be divided into sub-committees—be organized to visit all the mining States and territories during the coming summer, and that the committee shall report to Congress at the next session such laws, or amendments to laws, as it may deem necessary to secure the best interests of the Government and the people of these territories who are doing so much for their development.

I am sure the citizens occupying the territory described do not wish to be trespassers, nor will they be if legal ways are provided for them to become owners of these actual necessities of their position.

As this will be the last annual Message which I shall have the honour of transmitting to Congress before my successor is chosen, I will repeat or recapitulate the questions which I deem of vital importance, which may be legislated upon and settled at this session:—

1st. That the States shall be required to afford the opportunity of a good common-school education to every child within their limits.

2nd. No sectarian tenets shall ever be taught in any school supported in whole or in part by the State, nation, or by the proceeds of any tax levied upon any community. Make education compulsory, so far as to deprive all persons who cannot read and write from becoming voters after the year 1890, disfranchising none, however, on grounds of illiteracy who may be voters at the time this amendment takes effect.

3rd. Declare Church and State for ever separate and distinct, but each free within their proper spheres; and that all church property shall bear its own proportion of taxation.

4th. Drive out licensed immorality, such as polygamy and the importation of women for illegitimate purposes. To recur again to the centennial year, it would seem as though now, as we are about to begin the second century of our national existence, would be a most fitting time for these reforms.

5th. Enact such laws as will insure a speedy return to a sound currency, such as will command the respect of the world.

Believing that these views will commend themselves to the great

majority of the right-thinking and patriotic citizens of the United States, I submit the rest to Congress.

U. S. GRANT.

Executive Mansion, December 7, 1875.

REPORT of the United States' Court of Commissioners on the Alabama Claims.—Washington, November 1, 1875.

TO THE PRESIDENT:

THE Secretary of State has the honour to transmit herewith a report concerning the business of the Court of Commissioners of Alabama Claims, made through its clerk.

In this connection he has the honour to call your attention to the statement contained therein that, in the opinion of the Court, it will be impossible to complete the work before it within the time allowed by existing provisions of law therefor.

HAMILTON FISH.

Department of State, Washington, November 15, 1875.

Court of Commissioners of Alabama Claims, 1514 H. Street, Northwest,
SIR, *Washington, D. C., November 1, 1875.*

BY order of the Court of Commissioners of Alabama Claims, I have the honour to communicate to you the following statement of the business of that Court.

In accordance with the Act approved June 23rd, 1874, and entitled "An Act for the creation of a Court for the adjudication and disposition of certain moneys received into the Treasury under an award made by the Tribunal of Arbitration constituted by virtue of Article I of the Treaty concluded at Washington, May 8th, Anno Domini 1871, between the United States of America and the Queen of Great Britain," the judges met and organized the said Court at Washington, on the 22nd day of July, 1874, and have since that time held all their sittings in that city. On the 24th of July they made certain needful rules and regulations regulating the form and mode of procedure before them, and for carrying into full and complete effect the provisions of the Act (as provided in Section 3 thereof), which rules and regulations, together with a notice of their next session, were duly published.

The Court then adjourned to Thursday, October 1st, so that claimants might file their claims and prepare for trial, expecting that on the date of their next convening there would be such progress made by the claimants and their attorneys, in the preparation of their petitions and testimony, that the Court would find a bar ready and anxious to proceed with a large number of cases. But when the

Court again met but few were ready for trial, and a very small number of claims had been filed.

From the table which I give below, you will see that the claims were filed very slowly at first, and it was not until the month of October that they began to come in with any rapidity, while 312 more petitions were filed in January alone than in the previous 5 months together.

The Court remained very constantly in session during the winter, considering amendments to their rules, hearing extended arguments on points of law arising on demurrers, and applicable to a large number of claims, and deciding all claims presented to them for final hearing.

There was great delay, however, in the preparation of cases, and, in order to hasten the business of the Court the following Order was made on the 26th day of January, copies of which were forwarded by the clerk to all the attorneys practising before the Court, and through the press and otherwise it was brought to the knowledge of the public:—

“The time allowed for the filing of claims in this Court expired on the 22nd day of the present month of January. The whole number filed is 1,382. Before the expiration of this time it would have been useless to strike cases from the record, for the claimants could have filed new petitions. Justice to all parties now requires that the cases yet unheard should be disposed of with the least practicable delay.

“The clerk is, therefore, directed to enter upon the trial-docket, in their numerical order, all claims in which no decision has been rendered. This docket will be called 3 times, but a greater number than 50 cases will not be called in one day. At each calling of the docket parties who have not been previously heard will have an opportunity to submit their proofs and arguments. On the third calling of the docket every claim shall be disposed of by final judgment.”

The calendar was regularly called in accordance with this order, the Court announcing constantly that, after disposing of the cases set for the day, any other cases ready for hearing might be submitted.

Comparatively few claims were presented for final hearing, and the Court, after deciding every case before it, took a short recess, after directing the clerk to publish the following order, and to forward a copy of it to the counsel of the respective claimants, which was done:—

“The Court having finished the first calling of the trial-docket, and having entered judgment in every case presented for final hearing, is adjourned until the 28th day of April, 1875, at which time the

second calling of the trial-docket will be commenced, and claimants are hereby notified to be ready at that time with their proofs. No case will be passed on the second calling of the docket without sufficient reason assigned, but a greater number than 50 cases will not be called in one day."

The Court met pursuant to adjournment, and found that at last attorneys were ready to proceed to trial with a considerable number of cases, and since that date its time has been fully occupied; 643 cases having been argued and submitted since April 28th. About 140 of these cases were dismissed by the Court for want of jurisdiction; while a large proportion of those allowed were small in amount and presented few points for discussion.

This is not the case with the claims yet to be submitted, which involve larger sums and will require more extended argument.

The Court directs me in this connection to communicate to you their high appreciation of the assistance rendered them in their labours by Mr. Cresswell, the Counsel on behalf of the United States. Allowing no point material to the Government to escape him, he has nevertheless performed his duties with the utmost fairness, and without captious criticism he has used every endeavour to facilitate the quick disposal of cases and has neglected no opportunity to accommodate counsel with a speedy trial. With a large number of cases to investigate and master, involving, not only many various questions of fact, but also intricate points of law, with a learned bar arrayed against him, thoroughly conversant with their cases and all the points likely to arise in them, it will easily be seen that his task was one of no small magnitude. He has performed it in a most satisfactory and able manner.

The great delay to the business of the Court caused by the length of time occupied by the claimants and their counsel in the preparation of cases was, under the peculiar circumstances governing the presentation of claims of this character, somewhat to be expected.

The Court met and organized in the summer, when the attorneys were generally absent on vacation tours, and although every effort was made by the clerk through the newspapers and in other ways to bring the rules and form of procedure of the Court to the notice of the claimants and their counsel, it was not until the latter part of September that they responded to any great extent; and although it appears that from that time every exertion was made in the preparation of cases, it has been impossible to present many for trial until a comparatively recent period.

Many of the claims are for losses sustained by mariners who are now absent at sea, and in other cases, where the claimants themselves are in this country, the testimony of captains, mates, or

sailors, now abroad, has been necessary to substantiate essential points in the evidence necessary to support the claim.

Attorneys have had great trouble in discovering the whereabouts of many of these clients and witnesses, and commissions for the taking of testimony have been sent from this Court to almost all parts of the world; in some cases the commission has followed the witness from port to port during a long voyage, arriving at each place just after his departure, until at last it has reached him thousands of miles from the place to which it was first forwarded.

In some cases the witness has not yet been found, and it is probable that many claims admissible under the Act have never been presented, and some now on file will not be submitted for trial owing to the absence on whaling or other long voyages of the claimants or important witnesses.

The time which has elapsed since these claims first arose has also greatly increased the labours of counsel. Many of the claimants and witnesses have died leaving their affairs in disorder; many papers have been lost, and many important witnesses have disappeared.

Again, a large number of claims were in the hands of comparatively few attorneys, who were constantly and exclusively occupied, during the 6 months prescribed for the purpose, in filing petitions, and who, until after the 22nd of January last (when the 6 months expired within which the Act required that all claims must be filed), had no time for the preparation of testimony; while the other attorneys holding few cases, and those comparatively small in amount, did not feel at liberty to proceed immediately to trial until the principles upon which the claims were to be adjudicated were more definitely settled, and counsel having more extensive interests at stake and a more intimate knowledge of the points which would probably arise should have an opportunity to present their views to the Court.

A large part of the time, however, during which few cases were presented for trial, was occupied by able and extensive argument of counsel, for the forms and mode of procedure of the Court being new, and the principles of law which were to govern them in the settlement of claims and the interpretation of the Act not being fixed, the first work of the counsel was to learn, as far as possible, what the practice of the Court was to be, and what the principles were which should govern them in the preparation and presentation of their cases. For this purpose the counsel on behalf of the United States filed demurrers to many of the points of law advanced in the petitions, and much time was occupied in argument on these demurrers, the decision of which greatly facilitated the disposal of claims when finally submitted for trial.

By the terms of the Act of Congress under which the Court was created, its duration, unless prolonged by proclamation of the President, was limited to one year from the date of its organization. Six months of that time were given within which petitions might be filed by the claimants, and a large part of the petitions, as has been shown, were filed during the latter part of this period. Although the claimants seemed to be diligent in preparing their cases, but few, comparatively, were ready for trial until late in the spring of 1875, so that out of the 1,382 claims on file, a large number remained undecided in June last, as heretofore mentioned. On the 2nd of June, 1875, therefore, the President, by proclamation, extended the duration of the Court for 6 months from the 22nd of July, 1875 (as provided by law). The powers of the Court will therefore cease on the 22nd day of January next.

The total number of cases in which judgment is now entered is 682, and the total amount allowed is 2,810,088·84 dollars, exclusive of interest; petitions have been dismissed or judgment has been entered in favour of the United States in 147 cases, involving 3,274,418·35 dollars, exclusive of interest; and 700 cases, involving 5,296,883·58 dollars, exclusive of interest, remain to be acted upon at the date of this communication, of which 12 have been argued, and are now under consideration.

Of the total number of cases submitted, 640 have been decided since the Court met, on the 28th day of April last.

The Court, therefore, direct me to inform you that it is evident to them that they will not be able to complete their work within the time provided by the 8th section of the said Act.

I have the honour to be, Sir, your obedient servant,

JOHN DAVIS, *Clerk.*

Hon. Hamilton Fish, Secretary of State.

Character and amount of Judgments.

| Character of loss. | Amount claimed. | Amount awarded. | Amount of interest to date of award. | Total amount awarded. |
|---|-----------------|-----------------|--------------------------------------|-----------------------|
| | \$ | \$ | \$ | \$ |
| Merchandise | 941,274 79 | 746,231 11 | 353,907 29 | 1,100,138 40 |
| Vessel, freight, &c. .. | 2,503,314 19 | 1,833,388 78 | 833,622 57 | 2,667,011 35 |
| Personal effects, &c. .. | 377,962 79 | 225,598 40 | 102,178 62 | 327,777 02 |
| Insurers | 5,984 74 | 4,870 55 | 2,352 19 | 7,222 74 |
| Petitions dismissed and judgment for the United States .. | 3,274,418 35 | | | |
| Total | 7,102,954 86 | 2,810,088 84 | 1,292,060 67 | 4,102,149 51 |

| Date. | Petitions filed. | Cases argued and submitted. | Petitions dismissed and judgments for United States. | Judgments for claimants. | Total judgments for each month. |
|-----------------------|------------------|-----------------------------|--|--------------------------|---------------------------------|
| July, 1874 | 3 | | | | |
| August, 1874 | 5 | | | | |
| September, 1874 | 64 | | | | |
| October, 1874 | 119 | | | | |
| November, 1874 | 160 | | | | |
| December, 1874 | 264 | 3 | .. | 3 | 3 |
| January, 1875 | 767 | 1 | .. | 1 | 1 |
| February, 1875.. .. | .. | 24 | 1 | 18 | 19 |
| March, 1875 | .. | 17 | 1 | 18 | 19 |
| April, 1875 | .. | 26 | 3 | 5 | 8 |
| May, 1875 | .. | 127 | 3 | 84 | 87 |
| June, 1875 | .. | 285 | 137 | 199 | 336 |
| September, 1875 | .. | .. | .. | 1 | 1 |
| October, 1875 | .. | 205 | 2 | 206 | 208 |
| Total | 1,382 | 688 | 147 | 535 | 682 |

Number of cases yet undisposed of 700, of which 12 are now before the Court.

JOHN DAVIS, *Clerk.*

Court of Commissioners of Alabama Claims, Washington, November 1, 1875.

CORRESPONDENCE between Great Britain and Turkey, respecting Turkish Proceedings in the neighbourhood of Aden. (Yemen, Lahej, Howshebee, &c.)—1872, 1873.

No. 1.—Earl Granville to Sir H. Elliot.

(Telegraphic.) *Foreign Office, January 11, 1873, 12:50 P.M.*

SULTAN of Lahej expresses to Resident at Aden great fear of an attack being made against him by the Turks in that quarter. Such an act would be regarded in a serious light by Her Majesty's Government, as likely to endanger British territory of Aden. Inquire if the movement is sanctioned by the Turkish Government. In any case you will request that immediate orders be sent to the Turkish authorities to put a stop to hostile operations against any of the Arab Chiefs, calculated to disturb our position at Aden, and which would certainly give rise to a bad impression in England as well as in India.

No. 2.—Earl Granville to Sir H. Elliot.

SIR, *Foreign Office, January 23, 1873.*

I HAVE received your telegram of the 12th instant, reporting that no operations have been or will be commenced against the Sultan of Lahej without orders from the Porte, which will do nothing without communicating with Her Majesty's Government.

I take advantage of the present opportunity to send you a copy of a despatch, dated October 26, from the Resident at Aden to the Bombay Government, which was communicated to me by the Secretary of State for India on the 26th November.

I await the communication which you lead me to expect may be made by the Porte, before going into any details on this matter; but in the meanwhile you will make it clear to the Porte that as the safety, no less than the comfort, of the British position at Aden would be seriously impaired by any interference on the part of the Turkish authorities in that quarter with Rulers friendly to Great Britain, Her Majesty's Government would view seriously any proceedings calculated to disturb the country in the neighbourhood of that place.

I am, &c.,

Sir H. Elliot.

GRANVILLE.

(Inclosure 1.)—The Resident at Aden to the Government of Bombay.
(Extract.) *Aden, October 26, 1872.*

I HAVE the honour to inform Government that the Sultan of Lahej paid me a visit on the 24th instant, and presented a letter received by him through an emissary from Mushir Ahmed Mookhtar, Pasha of Yemen, translation of which is annexed. In this communication the Sultan is invited to give his allegiance to the Sublime Porte and to wait upon the Pasha.

The Sultan having presented the letter above adverted to, I felt no hesitation as to the nature of the advice that the Resident was bound to give. I accordingly suggested to His Highness that he should reply to the Pasha in a friendly and courteous strain and state that he is the ally and stipendiary of the British Government; that Treaty obligations exist between him and that Government; that a copy of the Mushir's communication would be forwarded through the Resident to Government, and that he, the Sultan, did not desire to act without its wishes being known to him.

I need scarcely refer to the many Treaties that exist between Government and the independent chieftains in the vicinity of Aden, and to the feeling with which they will regard us, if they are coerced by the Turks against their will, while we, as they would suppose, looked on with indifference or with no power to prevent such a proceeding. It is obvious that the Pasha of Yemen has made his overtures to the Sultan of Lahej as the recognized principal and most

influential chief in the lowlands, feeling confident that, if he gives in his adhesion to the Sublime Porte, the other Chiefs would follow in his footsteps as a matter of course. I have ascertained that the Howshebee Sheikh replied recently to an emissary that he would wait and see what course the Sultan adopted before replying to the overtures made to him.

The compulsory transfer by the Sultan of Lahej and other Chiefs of their adherence to another Power would, of necessity, alter our intimate relations with them. At present the British Government is respected and feared by these Chiefs. They are all more or less subsidized by Government and look to it for advice and assistance through the Resident, and they consult his wishes and generally abide by his suggestions; but if they are coerced and incorporated with the Turkish possessions in Yemen, Government can no longer be regarded as the paramount authority here, and difficulties and complications will probably follow, the result of which it is now impossible to see. The Turks would control the whole land around Aden up to the Owlakee country, including the ports of Shugra and Howr. When convenient the Chiefs would declare that they can only do so and so with the permission of the Turks, or that they adopted a particular line of conduct under their instructions; but supplies from the interior, absolutely necessary to our existence here, may even be interrupted, and the great trade that is carried on between the neighbouring States in the interior and Aden may, by prohibitive transit duties, be diverted to other parts in the Red Sea.

A copy of this letter and its annexment will be forwarded to Her Majesty's Secretary of State for India by the Bombay mail which may be expected to-morrow.

Charles Gonne, Esq.

J. W. SCHNEIDER.

(Inclosure 2.)—*The Mushir Sayyid Ahmed Mookhtar, Pasha of Yemen,*
(Translation.) *to Shaikh Fudhl bin Mohsin, the Abdalee.*
(After compliments.) *Sana, 8 Rajib, 1289 (August 29, 1872).*

WE write you this letter after our arrival, by command of our Lord the Sultan of Al-Islam, the devout follower of the religion of the two Holy Cities, the Monarch of the Kingdom of the East and West, may his magnificence be perpetual, and may the monument of his glory be raised aloft, and the full moon of his life, in the land of Yemen, to resuscitate the kingdom which his ancestors the Sultans founded, by the revival of religion and the promulgation of the ordinances of the Chief of Prophets, and thanks be to God, it has taken place according to the desire of the Sultan, by the assistance and grace of God, without causing us any trouble, nor has any

trouble whatsoever befallen the people of the country; by the favour of God, indeed, the intention of our Sultan has been accomplished. May his glory continue! And we have not turned our attention to the ordering of your territories till the rest of the country should have been completely settled from your boundaries to above Sana. However, we have long known the way in which you preserve yourself and your country from workers of sedition, and for that we thank you much, and how excellent is he who, in times of anarchy, preserves his dignity! But, to-day, God has graciously favoured the Sublime Government. Praise be to Him for it. And our Lord the Sultan of Al-Islam has turned his attention to the districts of Yemen, and you are (praised be God) one of the members of the Government and of the people who serve it and your country, by the favour of God, one of those whose people come within the circle of its attention. We have also heard that you are afraid, and we are very much astonished at you. How is it you are afraid when nothing has previously been done by you to us? But we have granted safety to those near and to those distant, to the freemen and to the bondsmen, and, by the favour of God, nothing unpleasant has been caused by us to any one. Every one knows this; then wherefore do you fear, or why should one like you be afraid? On this account your fear is a wonderful thing. But the Sheikh Mohideen-al-Akel visits us constantly, and is acquainted with our character and our mode of dealing with people, with our clemency and our justice. And if there should be anything against you in times past, for you there is now no chiding, and should there be anything against you of a later date still there is nothing which can be called a fault. So you have, up to the present time, a clean page; and we look forward to your coming to us that you may receive the good things and the high honour you deserve, and trust you will accompany the messenger now sent to our presence, and we promise you safety under the security of God, of His Prophet, of the Sultan of Al-Islam, and of ourselves, to come with him and return with him. So trust in this, and trust in God, and listen to the counsels of the messenger sent to you, for we have heard of the friendship between you and him. Upon you be peace.

No. 3.—Sir H. Elliot to Earl Granville.—(Received January 28.)

MY LORD,

Constantinople, January 13, 1873.

I HAVE communicated to Khalil Pasha your Lordship's instructions in reference to any hostile operations against the Arab chieftains in the immediate neighbourhood of the British territory at Aden.

His Excellency said that no such operations had been commenced

or could be undertaken without the orders of the Porte, which would not give them without previous communication with Her Majesty's Government.

Lahej or Lash is regarded by the Porte as forming a part of the territory of Yemen, which having lately been reduced to more complete submission to the authority of the Sultan, the Chief in question had been invited by the Governor of the province to come with another neighbouring chieftain to make his profession of obedience; the other complied, but the Chief of Lash invaded and plundered his territory and forced him to return.

The Governor consequently represents the necessity of measures being taken to punish the aggressors, but the particulars of the case will be communicated to Her Majesty's Government, who may, at all events, rest assured of the most scrupulous respect being shown for the British territory.

I asked Khalil Pasha what had been the previous position of the Chief whose submission it was now proposed to insist upon.

His Excellency replied that the report of the Governor-General of Yemen had only just been received, and he was not yet very fully acquainted with all the particulars.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 4.—Earl Granville to Sir H. Elliot.

SIR,

Foreign Office, January 30, 1873.

I HAVE received your despatch of the 13th of January, reporting at length your conversation with Khalil Pasha respecting the hostile operations threatened by the Turkish authorities in Arabia against the Arab Chieftains in the immediate neighbourhood of the British territory at Aden.

The Pasha's language, in so far as it contained a promise that no such operations would be undertaken without previous communication with the British Government, was satisfactory; not so his assumption of the right of the Porte to call upon those Chieftains to make a profession of obedience to the Porte, on the ground that the territory of Yemen is subject to the authority of the Porte, even though this assumption was qualified by the assurance of the most scrupulous respect being shown for the British territory.

I instructed your Excellency, by my despatch of the 23rd of this month, to state to the Porte that Her Majesty's Government would view seriously any proceedings on the part of Turkish authorities to disturb the country in the neighbourhood of Aden.

But, in consequence of Khalil Pasha's language, Her Majesty's Government consider it desirable that you should point out to the Turkish Government that the question is not that of the territory held by the British Government at Aden, in respect of which they

do not require an assurance from the Porte, but that the Sultan of Lahej, and other Arab Chiefs in friendly relations with the British Government at Aden, should not be molested or interfered with by Turkish authorities, on the alleged ground that the Province of Yemen belongs to the Porte, and that those Chiefs, as inhabiting part of that province, are subjects of the Porte.

Whatever rights of sovereignty the Porte in times long gone by might have had in Yemen, it is notorious that since the year 1633 Yemen has been under the rule of Arab Chiefs, independent of the Porte. Her Majesty's Government have, however, no desire to discuss that question generally; but they cannot, as matters stand, but intimate through you to the Porte, as was intimated by them to Mehemet Ali in the year 1839, that Her Majesty's Government wish that the independence of the native Chiefs in the vicinity of Aden should be respected; and that any attempt to subvert their authority would not be viewed with indifference by Her Majesty's Government.

I am, &c.,

Sir H. Elliot.

GRANVILLE.

No. 5.—Sir H. Elliot to Earl Granville.—(Received February 1.)
(Extract.) *Constantinople, January 24, 1873.*

SINCE reporting to your Lordship, by my despatch of the 13th instant, that I had executed your telegraphic instruction, in reference to the threatened attack upon the Chief or Sultan of Lahej, I have prepared the inclosed Memorandum for communication to the Porte, which, as far as I could perceive, seemed unconscious of the relation in which the Chief of Lahej stood towards the Government of Aden.

Earl Granville.

HENRY ELLIOT.

(*Inclosure.*)—*Memorandum.*

Constantinople, January 24, 1873.

THE circumstances connected with Lahej, upon which explanations were asked of the Porte the other day, appear, from what can be ascertained from trustworthy sources, but not communicated by Her Majesty's Government, to be as follows:—

Lahej, which is within 15 miles of the garrison outposts of Aden, is the chief town of the low country, and commands the country from which Aden draws its supplies of grain, forage, fuel, water, &c.

Its Chief, or Sultan, as he calls himself, is a stipendiary of the British Government, receiving a monthly salary for the services of his people in feeding Aden and keeping the roads open, and has never been subject to the authority of the Porte.

Some months ago the Mushir established at Sana, not less than 150 miles off, took upon himself to summon this Chief, the stipendiary of the British Government, to attend his camp and submit himself formally to the Turkish Government, and to prepare camels, &c., for a descent into the low country of Lahej, commonly called El Hantash.

The Chief replied that he was the servant and stipendiary of the British Government, but no notice was taken of this answer by the Pasha.

It is certain that for generations the Porte has not exercised or pretended to a shadow of authority over the district in question, and the unwarranted attempt of the Pasha to reduce it to subjection could not be seen with indifference by Her Majesty's Government.

No. 7.—Sir H. Elliot to Earl Granville.—(Received February 16.)
 MY LORD, *Constantinople, February 3, 1873.*

THE Grand Vizier called on me two days ago, when I took the opportunity of again speaking to him about the threatened attack on the Sultan or Chieftain of Lahej, saying that I had been glad to receive from Khalil Pasha the assurance that no operations should be commenced against him until an understanding had been come to with Her Majesty's Government.

He said the Minister for Foreign Affairs was fully warranted in making the declaration; and, in order to render it more solemn, a decision to that effect had been come to by the Council, and was submitted to the Sultan's approval.

This afternoon I reverted to the subject in conversation with Khalil Pasha, stating the satisfaction with which I heard from the Grand Vizier the repetition of the assurances he had himself given me.

Khalil Pasha replied that the Council of Ministers had determined to act as he had said; but, at the same time, they had decided that he was to attempt to obtain the acquiescence of Her Majesty's Government to the Chief of Lahej making a purely nominal submission to the Sultan without tribute or service being required from him.

I said I hoped he would not make any such proposal, for I could assure him that there was no probability of its being entertained.

I expressed myself in the sense prescribed by your Lordship's despatch of the 23rd ultimo, and was able to show his Excellency that the ground now taken up was not new, and that, in 1839, Mehemet Ali, Pasha of Egypt, who was carrying out the subjugation of the Yemen, had stated that the mountains to the north of the plain of Lahej formed the boundary of Yemen, and that Her Ma-

jesty's Government had, at the same time, intimated that they would not see with indifference the subjugation of the independent tribes beyond the Straits of Bab el Mandeb.

It is evident to me that the Porte is most desirous of avoiding all action calculated to give umbrage to Her Majesty's Government, but is embarrassed to find a satisfactory mode of retreating from the position which has been made by the threatening proceedings of the Pasha of Sana.

The Sultan of Lahej having been called upon to make his submission, a demonstration of force, to coerce him in the event of a refusal, had been apparently made on his frontier; and it is feared that an abandonment of the demand might be regarded as a recognition of weakness injurious to the Sultan's authority in the districts now acknowledging it.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 8.—Sir H. Elliot to Earl Granville.—(Received February 16.)

MY LORD,

Constantinople, February 12, 1873.

CONSIDERING it of importance that the Porte should be put in full possession of the views of Her Majesty's Government in reference to any hostile operations against the Arab chieftains in the immediate neighbourhood of Aden, as contained in your Lordship's despatch of the 30th ultimo, I instructed Mr. Pisani to communicate to Khalil Pasha your Lordship's despatch, leaving with him a French translation of the same.

I have now the honour to transmit to your Lordship a report from Mr. Pisani of his interview with Khalil Pasha, who repeated anew that the question of Lahej may be considered as settled in the sense wished for by Her Majesty's Government.

I have, &c.,

(In the absence of Sir H. Elliot),

Earl Granville.

SIDNEY LOCOCK.

(Inclosure.)—Mr. Pisani to Sir H. Elliot.

SIR,

Pera, February 11, 1873.

IN obedience to your Excellency's instructions of the 8th instant, I communicated to Khalil Pasha, and left with him a copy in French of Earl Granville's despatch in answer to yours of the 13th ultimo relative to Lahej and Aden. I have likewise read to him your Excellency's despatch of the 13th to his Lordship in order that he might form an exact estimate of what you wrote.

I told his Excellency that you may perhaps have said too much in stating that the Porte looked upon Lahej as forming a part of Yemen, for you imagine it would have been more correct if you had

said that the Pasha of Sana being of that opinion had sent the summons to the Chieftain upon that assumption. But the assurances which you have since received of this having been done without reference to the Porte disengages the latter from the responsibility of the initiative, or of its having shared in the impression which was the cause of it, and that you have stated this in subsequent despatches.

Khalil Pasha expressed thanks for your Excellency's explanations, and repeated anew that the question of Lahej may be considered as settled in the sense wished for by Her Majesty's Government.

I have, &c.,

Sir H. Elliot.

ET. PISANI.

No. 10.—Sir H. Elliot to Earl Granville.—(Received February 25.)

MY LORD,

Constantinople, February 14, 1873.

WITH reference to my despatch of the 12th instant, I have the honour to inform your Lordship that, at an interview which Mr. Pisani had yesterday with the Grand Vizier, his Highness desired him to name to me that, by Imperial command, he had instructed the Governor-General of the Yemen to abstain from interfering with or molesting in any way the Ruler of Lahej, and leave matters as they formerly stood.

I have, &c.

(In the absence of Sir H. Elliot),

Earl Granville.

SIDNEY LOCOCK.

No. 13.—Earl Granville to Sir H. Elliot.

SIR,

Foreign Office, May 15, 1873.

THE communications which you have made to the Porte under instructions from me during the present year, respecting the proceedings of the Turkish authorities in Arabia, must have satisfied the Porte that Her Majesty's Government were not prepared to acquiesce in any proceedings its officers might take in that quarter, indicating a disposition to extend its authority over the native Arab tribes, and interfere with such of them as were in friendship with the British Government, and so generally disquiet the territories in the neighbourhood of Aden.

I especially directed you, in my despatch of the 30th of January, to point out that for above 200 years Yemen has been under the rule of independent Arab Chiefs, and I said that although under those circumstances Her Majesty's Government had no desire to discuss this point generally, it was their wish that the independence of those Chiefs in the vicinity of Aden should be respected, and that they would not view with indifference any attempt to subvert the authority of those Chiefs.

The assurances which you received in general terms from the

Porte were on the whole satisfactory at the time; but it is desirable that I should repeat, as regards this province generally, the instructions which, in my despatch of the 11th of March, I gave you as specifically applying to the Sultan of Lahej, firmly to maintain the position taken by Her Majesty's Government as regards Yemen.

I am the more inclined to do so at present by the account contained in the telegram from the Governor-General of India, dated May 10, of which I inclose a copy, and by which it appears that Turkish authorities are still interfering with native Chiefs in the neighbourhood of Aden, and are locating a body of troops among the Howshebee tribe living in the immediate vicinity of that place, which draws from among them important supplies. To this specific act of aggression your Excellency will at once call the attention of the Porte.

As regards the more general question of the Yemen, I have to inclose to your Excellency a copy of a despatch from the Governor-General of India, supplying the information which I requested the Duke of Argyll to obtain from the Indian Government as to the right of the British Government to take directly under their protection the native Arab Chiefs, with whom they have Treaty engagements, and the extent to which such right might be claimed. The answers to these questions are contained in the inclosed despatch, and in your conversation with the Porte your Excellency will adopt those answers as the ground of your insistence with the Turkish Government against interference with the Arab tribes enumerated by the Governor-General.

I inclose copy of a map showing the locality of the several tribes referred to.

I am, &c.,

Sir H. Elliot.

GRANVILLE.

(Inclosure.)—*The Governor-General of India in Council to the Duke of Argyll.*

(Extract.)

Fort William, April 11, 1873.

THE question of the right of the British Government to take these Chiefs under our protection may be viewed in two aspects, viz. :—1st, our right as regards the alleged claims of the Turkish Government; and, 2ndly, our right as regards the Chiefs themselves.

With reference to the first aspect of the question, we would state the following as being, in our opinion, the grounds on which the rights of the British Government to take these Chiefs under protection are based, viz. :—

1st. That the Chiefs are, and for the last century have been, independent of Turkish influence and control.

2nd. That the British Government has, as a matter of fact, already entered into Treaty relations with these Chiefs, without

reference to Turkey or any other foreign Power, and may conclude fresh engagements with them if deemed expedient.

3rd. That the recent proceedings of the Turkish officials have been so prejudicial to British interests at Aden as to afford good ground for such arrangements being concluded with the Chiefs as may be deemed best fitted to prevent a repetition of the evils. To such arrangements for the peace and security of our settlement no objection can reasonably be offered.

4th. That the Chief of the largest and most important tribe (the Abdalees) has distinctly claimed British assistance, and asked for protection.

5th. That while the Chiefs have been independent of Turkey, they have not been so of the British Government, which, for some years, has paid them stipends, and has frequently interfered to settle their inter-tribal quarrels. They have come to look on the Resident at Aden as their friend and adviser in all their difficulties. The question is, therefore, somewhat a domestic one.

Turning next to the question of the rights of the British Government as against the Chiefs themselves, we would observe that, while we consider ourselves free to impose any measures upon the Chiefs which we may deem essential for the safety of our Aden possessions, it is far from our intention to have recourse to any forcible measures. We propose to secure the objects we have in view with the consent of the Chiefs and by negotiation with them.

We are of opinion that the protection of the British Government should extend to all the tribes marginally noted,* with whom Treaties have been, at various times, concluded. These Treaties will be found in the seventh volume of the collection of "Treaties, Engagements, and Sunnuds."

The Duke of Argyll.

NORTHBROOK.

No. 15.—Earl Granville to Sir H. Elliot.

(Telegraphic.)

Foreign Office, June 5, 1873.

REPORTS from Aden, May 27, mention movements of Turkish soldiers in the vicinity of Aden not consistent with assurances received by you from the Porte. Lose no time in stating this to Ottoman Government, and call for immediate instructions to their authorities in Yemen to withdraw troops from that country and to desist from all intrigues and acts disquieting to tribes in friendship with this country and calculated to weaken the assurances made to Her Majesty's Government in that respect.

* 1. The Abdalee (Lahej); 2. Foodhlee; 3. The Akrabee; 4. The Howshee; 5. The Alowee; 6. The Ameer; 7. The Soobahee; 8. The Jaffae; 9. The Owlakee.

No. 16.—Sir H. Elliot to Earl Granville.—(Received June 8.)

MY LORD,

Therapia, May 30, 1873.

YOUR Lordship's despatch of the 15th instant, and your telegram of the 23rd respecting the interference of the Turkish authorities with the independent tribes in the neighbourhood of Aden reached me almost simultaneously.

I have communicated them to the Porte and asked that orders should at once be sent for the removal of the troops which had been billeted in the house of the Howshebee Sultan.

The Grand Vizier and the Minister of Foreign Affairs, while saying that orders to this effect could not be transmitted without inquiring into the circumstances under which the troops had been sent, promised that they would immediately ascertain the position of things, as well as the engagements taken by their predecessors, to which I had recalled their recollection.

I read your Lordship's above despatch to Raschid Pasha, leaving an extract of it in the hands of his Excellency; and I informed him, according to the tenour of the letter from the Governor-General of India to the Duke of Argyll, that these Chiefs, having for the last century been independent of Turkish influence and control, Her Majesty's Government had, as a matter of fact, without reference to the Porte, entered into Treaty relations with many of them (as shown by those enumerated in Lord Northbrook's letter), and felt themselves free to make fresh engagements with them if it was thought expedient.

That the recent proceedings of the Turkish authorities had so closely touched British interests at Aden that Her Majesty's Government might be called upon to consider what further arrangements should be made to prevent their repetition, it not being admitted that objection could reasonably be offered to measures taken for the peace and security of the British Settlement.

That although the Chiefs had been independent of Turkey, they had not been so of Her Majesty's Government, which had for some years paid them regular stipends; and the British Resident at Aden had so frequently interfered to settle their inter-tribal quarrels that they had grown to look upon him as their adviser in all their difficulties.

I mentioned that the Chief of one of the most important tribes had already claimed British assistance and protection, and that although it was far from the intention of Her Majesty's Government to have recourse to forcible measures towards the Chiefs, protection would probably not be withheld from them if they should ask for it; and the responsibility for any measures which Her Majesty's Government may now feel it necessary to take must rest

with those who had thought fit to disturb a state of things which had long existed.

Raschid Pasha said that, although he could not perceive how British interests could be affected by the authority of the Porte being recognized by the Chiefs, I might be assured that there was no disposition to do anything in the smallest degree distasteful to Her Majesty's Government, and that he would at once inquire into the question and then communicate with me.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 20.—*Sir H. Elliot to Earl Granville.*—(Received June 19.)

MY LORD,

Therapia, June 6, 1873.

REFERRING to my despatch of the 1st instant, I have the honour to state that, before the receipt of your Lordship's telegram of yesterday's date, I had received from the Porte distinct assurances that Ahmed Eyoub Pasha, the new Governor-General of the Yemen, who left Constantinople yesterday on his way to Hodeida, had been instructed at once to withdraw the troops quartered on the Howshebee Sultan, and to be careful to abstain from interfering in any way with the tribes in friendly relations with Her Majesty's Government enumerated in the letter of the Governor-General of India, inclosed in your Lordship's despatch of the 15th ultimo, unless with the previous authorization of the Porte.

There is no telegraphic communication between Constantinople and the Yemen by which these instructions could be sent.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 23.—*Sir H. Elliot to Earl Granville.*—(Received July 26.)

MY LORD,

Therapia, July 18, 1873.

I HAVE the honour to transmit to your Lordship herewith a copy of the answer that I have received from Raschid Pasha to the communications which I had been instructed to make to him respecting the proceedings of the Turkish authorities towards the Arab tribes in the neighbourhood of Aden, and at Shuhur and Makulla.

The order to evacuate the dwelling of Howshebee Sultan was not given without repugnance, but its occupation is alluded to in the note as a regrettable accident, and Her Majesty's Government may probably be satisfied that the Porte will have warned the military authorities against all aggressive acts from which they will be likely to have again to retreat.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

(*Inclosure.*)—*Raschid Pasha to Sir H. Elliot.*

M. L'AMBASSADEUR, *Sublime Porte, le 15 Juillet, 1873.*

LE Gouvernement de Sa Majesté Britannique semble se préoccuper outre mesure de la politique du Gouvernement Impérial dans le Yemen en général, et en particulier de l'attitude que nos troupes tendent à prendre dans ces localités.

Permettez-moi de faire observer à votre Excellence que cette préoccupation, je pourrai dire cette inquiétude, n'est nullement fondée, et que l'incident isolé de Hoschpy Sultan ne suffit pas, à lui seul, pour faire supposer au Gouvernement Impérial des intentions bien éloignées de sa politique traditionnelle.

Ce n'est pas ici le moment de chercher à constater ou à invalider l'indépendance séculaire que le Gouvernement Britannique invoque pour les neuf tribus de Lohidge, Faudaly, &c., et pour le pays d'Adramat, pas plus qu'il ne s'agit de contester la validité des Traités que le Gouvernement Britannique a conclus avec les tribus susdites ; ce que je tiens à faire connaître, sans toutefois préjuger de l'avenir, c'est que la politique du Gouvernement Impérial n'a point varié dans le Yemen, et que nos troupes ne sont pas animées de sentiments étrangers aux dispositions dont nous sommes pénétrés nous-mêmes.

L'incident, que j'appellerai volontiers l'accident, de la demeure de Hoschpy Sultan,—unique fait d'ailleurs dont le Gouvernement Britannique puisse se prévaloir,—présenté à distance et dépourvu de détails, n'est pas suffisant pour être considéré comme peignant une situation. D'ailleurs le Gouvernement Impérial à peine en a-t-il été informé que, sans hésiter sur les conséquences fâcheuses qui pourraient porter atteinte au prestige de son drapeau, il s'est empressé d'ordonner que la demeure de Hoschpy Sultan soit immédiatement évacuée. Je suis convaincu en outre que les détails que nous attendons sur cette occupation seront tels qu'ils expliqueront le fait d'une manière bien différente que le Gouvernement Britannique a pu l'interpréter.

À part ce fait je ne vois dans l'ensemble de la situation au Yemen que l'effet des rapports pleins de cordialité qui règnent entre nos autorités et les pays d'alentour. Cet échange de bons procédés et de sympathies mutuelles, puisant sa source dans le contact fréquent d'un bon voisinage, peut-être aussi dans le sentiment d'une religion commune, est de nature à rassurer le Gouvernement Britannique plutôt que de lui porter ombrage.

Je ne puis autrement expliquer l'apparition de nos employés dans le Chakha et Maukalla, aussi bien que dans les neuf tribus alliées du Gouvernement Britannique. Quant aux navires sous pavillon Ottoman qui fréquenteraient Adramat, quelle conséquence peut-on retirer si ce n'est que le commerce est florissant, que les

besoins des populations augmentent tous les jours par le fait de la civilisation—ce qui dénote la marche ascendante du progrès et du commerce, choses que l'Angleterre a toujours envisagées avec satisfaction. Rapports de bon voisinage et simplement amicaux, développement inévitable du progrès et de la civilisation, respect absolu des us et coutumes de nos voisins, telles sont les bases de notre politique et de notre programme dans le Yemen. Nous voyons avec plaisir que les tribus aux environs d'Aden entretiennent des relations cordiales avec les autorités Anglaises. Nous constatons avec satisfaction que ces peuplades trouvent un débouché avantageux et lucratif de leurs denrées sur les marchés d'Aden, et notre ferme intention n'est point certes de troubler un état de choses aussi satisfaisant. J'aime à penser que ces explications franches feront disparaître les préoccupations du Gouvernement Britannique et dissiperont jusqu'à l'ombre du doute que le fait regrettable et encore inexpliqué de Hoschpy Sultan aurait pu faire naître sur nos intentions.

Veuillez, &c.,

Sir H. Elliot.

RASCHID.

No. 25.—Sir H. Elliot to Earl Granville.—(Received August 15.)

MY LORD,

Therapia, August 5, 1873.

NOTWITHSTANDING the assurance officially given by the Porte by their note of the 15th ultimo, of which a copy was inclosed in my despatch of the 18th, with regard to the Arab tribes in the neighbourhood of Aden, as the Sultan's Ministers seemed very little acquainted with the proceedings of the late Governor-General of the Yemen, I thought it desirable to inform Raschid Pasha of the substance of General Schneider's despatch of the 12th of May, which formed one of the inclosures to your Lordship's despatch of the 10th of July.

His Excellency had seemed to imagine that Her Majesty's Government had attached an exaggerated importance to the measures adopted by the Governor-General, and I wished to show him that there were sufficient grounds for looking at them in a serious light.

Raschid Pasha, on this occasion, repeated the declaration that Her Majesty's Government might rest assured that unequivocal instructions have been given to the new Governor-General of the Yemen to abstain from interfering with the tribes which are allied to the Indian Government by Treaty engagements.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 26.—Sir H. Elliot to Earl Granville.—(Received September 19.)

MY LORD,

Therapia, September 8, 1873.

UPON my communicating to Raschid Pasha the substance of your Lordship's despatches of the 18th of July and 9th of August, his Excellency at once telegraphed, through Egypt, to the new Governor of the Yemen, to abide strictly by his instructions in regard to the Arab tribes, and, if any troops still remained in the places named in those instructions, to withdraw them at once.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

No. 27.—Mr. Grant Duff to Mr. Hammond.—(Rec. September 27.)

SIR,

India Office, September 27, 1873.

I AM directed by the Duke of Argyll to forward to you herewith, for the information of Lord Granville, copy of letter of the 21st ultimo from the Political Resident at Aden, reporting certain hostile proceedings towards the Sultan of Lahej on the part of Ahmed Ayoob Pasha, the newly appointed Governor-General of Yemen.

His Grace entirely concurs in the observations made by Brigadier-General Schneider in his letter on the proceedings of the Turkish Governor; and I am to request that, in laying these papers before his Lordship, you will move him to give such further instructions to Sir Henry Elliot as may insure the observance by the Turkish local authorities of the assurances made by the Sublime Ottoman Porte.

I am, &c.,

Rt. Hon. E. Hammond.

M. E. GRANT DUFF.

(Inclosure 1.)—The Resident at Aden to the Duke of Argyll.

MY LORD DUKE,

Aden, August 21, 1873.

I HAVE the honour to forward, for your Grace's information, copy of my despatch of the 21st idem, from which it will be observed that the newly appointed Governor-General of Yemen has written a threatening letter to the Sultan of Lahej, thus acting in a manner which appears to be entirely opposed to the assurances given by the Sublime Porte to Her Majesty's Government, as well as to the instructions which Ahmed Ayoob Pasha would appear to have received before he left Constantinople.

The Pasha's original letter is annexed to the correspondence.

I have, &c.,

The Duke of Argyll.

J. W. SCHNEIDER.

(Inclosure 2.)—The Resident at Aden to the Government of Bombay.

(Extract.)

Aden, August 21, 1873.

I HAVE the honour to forward translation of a letter addressed to the Sultan of Lahej by Ahmed Ayoob Pasha, the recently

appointed Governor-General of Yemen, the original of which I propose to send to the Secretary of State for India, to show that the Pasha has conveyed a covert threat to the Sultan notwithstanding the assurances that have been given by the Porte to the British Government.

I have thought it advisable to address the following communication to Ahmed Ayooob Pasha, so that he may know the Resident is acquainted with the orders and instructions he has received from the Ottoman Government :—

“ We have to bring to your Excellency’s notice that the detachment of Turkish regular and irregular troops sent by your predecessor, Ahmed Mookhtar Pasha, to Shuka, in the Howshebee country, have not yet been withdrawn.

“ We received an intimation a short time since from the Great Government that your Excellency had been sent from Constantinople with instructions from the Sublime Porte to remove the above-mentioned troops from the Howshebee country.

“ We trust your Excellency will promptly act in conformity with the orders you have received in respect of the matter we now bring to your notice, and so cause affairs to revert to their normal condition by abstention from interference with chiefs and tribes around Aden with whom the British Government has Treaties, or who are its stipendiaries.

“ We learn with regret that the Ameer Ali-bin-Mookbil, a stipendiary of the British Government, is still a prisoner at large.”

Copy of this letter will be forwarded to the Secretary of State for India.

Charles Gonne, Esq.

J. W. SCHNEIDER.

(*Inclosure 3.*)—*Ahmed Ayooob Pasha to Sheikh Fadhl bin Mohsin.*
(After compliments.) *Sana, 2 Samad al Akhir and 15 Jamoaz*
(Translation.) *(July 27, 1873).*

THE answer that you have sent to our predecessor his Excellency Ahmed Mookhtar Pasha, which is dated 5th Jamad (1st July), reached us, and its meaning was to the effect that you were obliged for the explanation afforded concerning the promise you saw in a letter that was sent by the above-mentioned (Ahmed Mookhtar Pasha) to General Schneider, the Resident at Aden. Well, finally the above-mentioned explanation was not to any special purport. The object of that declaration was merely to show that action will be taken according to the orders that may be obtained from the Sublime Porte. Then, your mind has not grasped the end that naturally will result from the effect of the said declaration and by reason of your going in the path of negligence, and it will be proved that your negligence has overcome your discretion. Now, it

must be borne in mind and considered that every Government will not relinquish the rights that revert to its sovereignty, and that it guards and protects him who has already tendered his submission and entered within the pale of subjection; likewise, him who has the ability to do so: nor does it delay to make an example of and punish those who walk in the path of evil and sedition.

May you remain in a good state.

No. 30.—Earl Granville to Sir H. Elliot.

SIR, *Foreign Office, October 17, 1873.*

WITH reference to your Excellency's despatch of the 8th ultimo, I transmit to you copies of two further letters from the India Office with despatches from the Political Agent at Aden, stating that no notice is taken by the new Governor-General in Yemen of the Porte's instructions to withdraw the Turkish troops from the countries now occupied by the Arab tribes in the vicinity of Aden; and I have to instruct your Excellency to communicate to Raschid Pasha the information contained in General Schneider's despatches, and to request that further stringent orders may be issued.

I am, &c.,

Sir H. Elliot.

GRANVILLE.

No. 32.—Earl Granville to Sir H. Elliot.

(Telegraphic.) *Foreign Office, October 25, 1873.*

ADEN Resident states that Turkish Commander declines to withdraw his troops from Lahej, stating they are there by order of Acting Governor of Taizz to protect Sultan's brother Abdoolla. State this to Porte and express astonishment at failure of Ottoman Government to give effect to their assurances. You will press for immediate telegraphic instructions to new Governor to withdraw from Howshebee and Lahej.

No. 33.—Sir H. Elliot to Earl Granville.—(Received October 28.)

(Extract.) *Therapia, October 14, 1873.*

IN consequence of a private letter from General Schneider, informing me that the new Governor of the Yemen had not withdrawn the troops from the Howshebee country, I made a fresh representation on the subject to the Porte; and renewed orders were sent to the Wali to abstain from all interference with the independent tribes, and holding him responsible for any hostile proceedings against them.

I have since spoken seriously to Raschid Pasha, warning him that, if the promise made to Her Majesty's Government on this matter is not observed, it will not be lightly regarded.

His Excellency said, that the orders to the Governor-General had been sufficiently distinct, and he could not account for their having been disregarded ; but he was confident that those which had been repeated would produce their effect.

Earl Granville.

HENRY ELLIOT.

No. 35.—Sir H. Elliot to Earl Granville.—(Received November 8.)
MY LORD, *Therapia, October 30, 1873.*

YOUR Lordship's instruction of the 17th instant, and telegram of the 25th instant, relative to the continued presence of the Turkish troops in Lahej and other districts in the immediate neighbourhood of Aden, reached me on the same day.

I immediately instructed Mr. Pisani to bring the whole of the facts before the Minister for Foreign Affairs, and to press for telegraphic orders to the Governor-General of the Yemen to vacate immediately the Lahej and Howshebee territories ; as also to express the astonishment of Her Majesty's Government at the failure of the Porte to carry out its repeated assurances.

I also furnished Mr. Pisani with a translation of the Governor's letter of the 27th of July to the Sultan of Lahej, in which his Excellency pointed out in significant terms the advantages of submission to the Porte, and the danger of persevering in the path of sedition.

At Raschid Pasha's own request I subsequently supplied his Excellency with a French translation of the written instruction which I had given Mr. Pisani on the subject, and which he had already read out to him. I have now the honour to transmit a copy of it to your Lordship ; as also of Mr. Pisani's report of his interview, in which he warned his Excellency, in accordance with instructions received on a previous occasion from your Lordship, that Her Majesty's Government would certainly not see with indifference an encroachment on the tribes in the vicinity of their possessions at Aden. His Excellency promised to bring the matter before the Cabinet, and urge the Minister of War to send the telegraphic orders requested by your Lordship.

In connection with this matter I have further the honour to inclose in translation, and to call your Lordship's attention to, a report from the Governor-General of Yemen to the Grand Vizier, dated August 6, and communicated to me by the Porte in Turkish just before the receipt of your Lordship's last instructions. It is therein stated that the inhabitants of the Howshebee country have, at their own desire, been accepted as subjects of the Porte, and that orders had been given to send, if necessary, a Turkish force into the district to preserve tranquillity and maintain the rights of the Porte, and that the only foundation which exists to justify the pretensions of

this Embassy is the fact that the Chiefs of the tribes which dwell in the vicinity of Aden receive a little money from the British Government.

I have, &c. (for Sir Henry Elliot),

Earl Granville.

SIDNEY LOCOCK.

(Inclosure 1.)—*Instructions to Mr. Pisani.*

Therapia, October 26, 1873.

YOU will call on the Minister for Foreign Affairs and inform his Excellency that I have received instructions to communicate the following facts on the subject of the proceedings of the Ottoman civil and military authorities towards the Arab tribes in the vicinity of Aden.

On the 1st of July Her Majesty's Political Agent at Aden was able to report that he had to some extent succeeded in reassuring the Sultan of Lahej by communicating a portion of Ahmed Moobktar Pasha's letter in which he admitted having received orders from the Porte to respect the independence of Lahej. The Sultan, in replying to a letter from the late Governor, mentioned that he was aware of what had been written to the Resident. Thereupon the new Mushir, Ahmed Ayoob Pasha, addressed a letter to the Sultan of Lahej which is being transmitted to the British Government, and a translation of which you will hand to his Excellency, in order that he may be able to judge how far it accords with the instructions of the Porte.

It contains in the latter part of it no very indistinct intimation that he will do well to make his submission to the Ottoman Government.

On the 19th August and again on the 17th September the Resident at Aden wrote to the new Governor, Ahmed Ayoob Pasha, mentioning that he was aware that his Excellency had been sent from Constantinople with instructions from the Sublime Porte to remove the Turkish troops from the Howshebee country, and expressing a trust that those instructions would be promptly acted upon.

On the 10th of this month Her Majesty's Government received a telegram from their Resident at Aden, stating that a reply had been received from Ahmed Ayoob Pasha, ignoring the orders of the Porte and announcing the annexation of the Howshebee country to the province of Taizz.

Lastly, Her Majesty's Government have just received another telegram from the British Resident reporting that the Turkish officer refuses to remove his troops from Lahej, on the ground that they are there by the order of the Acting Governor of the province of Taizz (to which the Governor had announced the annexation of the Lahej country) in order to protect Abdoolla, the Sultan's brother.

In communicating the above facts to his Excellency you will say

that Her Majesty's Government are at a complete loss to understand their meaning. When they recollect the assurances that have been so repeatedly given by the Porte that positive orders were being sent to the Governor to withdraw the Ottoman troops and respect the independence of tribes around Aden with whom the British Government has Treaties, and who are moreover its stipendiaries, and when it connects those assurances with the acts of the very Governor who has been sent by the Porte to carry them into effect, their feeling is one of real astonishment.

You will request his Excellency to put me in a position to inform Her Majesty's Government in what view the Porte regards these fresh acts of the Governor of the Yemen, and will once again press for fresh telegraphic orders being sent for the immediate withdrawal of the Ottoman troops from the Howshebee and Lahej territories.

(For Sir Henry Elliot),

SIDNEY LOCOCK.

(*Inclosure 2.*)—*Mr. Pisani to Sir H. Elliot.*

SIR,

Pera, October 29, 1873.

IN pursuance of your Excellency's instructions of the 26th instant I called on Raschid Pasha, and informed him that instructions had reached Her Majesty's Embassy to communicate to the Porte certain facts on the subject of the civil and military authorities' conduct towards the Arab tribes in the vicinity of Aden.

After reading to him my instructions I told his Excellency that Her Majesty's Government are at a loss to comprehend the meaning of the acts of the Government of Sana, after the repeated assurances of the Porte that orders were sent to the Government to withdraw the Ottoman troops from the house of Howshebee Sultan, and to abstain from interfering with the independent tribes in the vicinity of Aden, and most urgently pressed his Excellency to move the Porte to issue telegraphic orders in the proper quarter for the immediate withdrawal of the Ottoman troops from Howshebee and Lahej territories.

I thought it expedient to remind his Excellency of what I told him at the time, that it was against the assumption of jurisdiction over the independent tribes in the neighbourhood of Aden, and in alliance with us, that Her Majesty's Government protested, long before the incident of Howshebee Sultan. I finally warned his Excellency that Her Majesty's Government will certainly not see with indifference what they consider an encroachment, without adopting the measures which they may deem necessary.

Raschid Pasha having expressed a wish to be furnished with a French translation of my instructions for the consideration of his colleagues, I complied with his request.

He promised that he would lose no time in submitting the remarks of Her Majesty's Government in the first meeting of the Cabinet Council, and urge the Minister of War to send telegraphic orders to the military authorities of the Yemen to act in compliance with the demands of this Embassy.

I have, &c.,

Sir H. Elliot.

E. PISANI.

(Inclosure 3.)—*The Governor-General of Yemen to the Grand Vizier.*
(Translation.) *August 6, 1873.*

I HAVE made the necessary inquiries regarding the communication and pretensions of the British Embassy with reference to the sending of a coercive military force to certain parts of the Yemen territory, and opposing any interference with the normal administration of those parts, on the ground of their proximity to and relations with Aden.

Among these there is a district called Subeidjeh, some places on the coast side of which are, in fact, dependencies of the Kaza of Mocha, and the inhabitants have always been in a state of submission and tranquillity; whilst the inhabitants on the other side, led by their own inclination, and under the guidance of their Sheikhs and Imams, having decided on becoming subjects of the Porte are under the rule of the Kaimakam of Hedgrieh, who, in the exercise of his authority, levies the taxes and defrays the expenditure.

There is no necessity in consequence to send a military force to either of these districts. With regard to the small Nahib of Hawashib (Howshebee), the inhabitants of this district also having, at their own wish and desire, been accepted as subjects of the Porte, and being still governed as before, by their own Mushir, Ali Mani Effendi, continue in a state of tranquillity and obedience. Therefore no necessity exists for employment of a coercive military force. But as I was informed by the Mootesarif and the Commander of the troops at Nafr, that, owing to the eagerness manifested by the inhabitants of the last-mentioned district in placing themselves under the authority of the Porte, Fazil Mohsin, the Sheikh of Lahej, had become their enemy, and had commenced a system of persecution and encroachment, and that they had in consequence petitioned for their own protection, I wrote and recommended, in reply, that solely with the object of maintaining the rights of the Porte and the tranquillity of the district, an adequate military force should be sent there in case of necessity.

Moreover, the above-mentioned Sheikh Fazil, besides interfering vexatiously with the whole district of the Hawashib (Howshebee), has usurped the lands and encroached on the rights of the inhabitants of the locality contiguous to Zaida, which is the property of the Mudir Ali Mani Effendi, and the seat of the local Govern-

ment. And as the complaints and murmurs of the people on this account are incessant, I have directed Sheikh Fazil to be civilly told, and made to understand, that if he has landed property in that district he will be allowed to maintain possession only on the condition of his not encroaching on the rights of others, and that he must either submit to the ordinances and authority of the Government or quit the country forthwith.

Notwithstanding, however, that most of the individual inhabitants of the districts referred to have manifested the wish to become Turkish subjects, they have, nevertheless, been left undisturbed in their former condition, and, as regards the relations entertained with the British Government by the tribes which dwell in the neighbourhood of Aden, this must consist of nothing but the fact that that Government gives and assigns a little money to the Chiefs of the different tribes. We are, consequently, at a loss to understand here the real motive of the pretensions advanced by the British Embassy.

Abdoolla Mohsin, the elder brother of Fazil Mohsin, the Sheikh of Lahej, and another brother named Abdool Kerim, together with a number of their relations and dependents, spontaneously, and influenced solely by their zeal for Islamism, formerly enrolled themselves as Turkish subjects; and up to the present time have been firm and faithful in their allegiance to the Porte.

But, in consequence of the insults and persecution of their brother Sheikh Fazil, who has violently seized their lands and property, and encroached on their legal rights for a long time past, they have been petitioning for redress and protection, and have recently addressed a special letter to the commander of the troops at Nafr. And Fazyl, the son of Abdoolla, and several notable members of the family, have been sent to Nafr, for the purpose of communicating personally on this subject.

These persons have reached Sana, and having, together with the father and other relatives, taken refuge under the wing of the justice of the Sublime Porte, I have replied that, after their petition had been submitted to the Sultan, measures would be adopted in conformity with his Imperial commands.

AHMED AYOOB PASHA.

No. 36.—The Resident at Aden to the Government of Bombay.

(Extract.)

Aden, October 11, 1873.

IN my letter of the 21st August last I informed Government I had addressed Ahmed Ayoob Pasha, the newly appointed Governor-General of Yemen, requesting him to withdraw the Turkish regular and irregular troops from the Howshebee country, agreeably to the orders he had received on the subject from the Ottoman Porte.

As no answer was received to the above communication up to

the 16th September, I sent another letter to the Pasha on the 17th of the same month, to the following effect:—

“On the 19th August we had the pleasure to address your Excellency, which we forwarded through Mahomed Raschid Pasha, the Mootesarif of Taizz. We have received no reply to this communication, and fearing it may have miscarried, we now forward a copy thereof.

“Since addressing your Excellency we have received orders from Government to write and remind you of the assurances and instructions of your Government, and to require their fulfilment.

“We were favoured some time ago with a letter from Sir Henry Elliot, Her Britannic Majesty’s Ambassador at Constantinople, in which he informed us your Excellency had taken with you orders not to molest the Chiefs with whom the British Government has Treaties. And salutations.”

The reply of the Governor-General of Yemen to the above letter, translation of which is annexed, reached me on the 9th October, and its perusal will show that he quite ignores the orders and instructions he is supposed to have received from the Ottoman Porte, and he states that the Howshebee district has been annexed to the Government of Taizz. I reported this by telegraph, on the 10th of the month, to the Secretary of State for India and to his Excellency the Governor in Council.

It will also be observed that the Pasha refers to a house* and a garrison of troops at Zaida belonging to the Sultan of Lahej, and that he states he only admits the right of the Sultan to the occupation of this fort on condition of his obeying the orders of the local Government, as Zaida is in the centre of the Howshebee district.

I have explained to Government the circumstances under which the district of Zaida was ceded by Treaty to the Sultans of Lahej by the Howshebee, in the year 1868, and although the Sultan has not apparently cultivated any land beyond the place marked as Zaida in the map which accompanied Major-General Tremenhœre’s Report of the 15th April, 1872, he has been in undisturbed possession of the country up to that point since the above date; that is to say, for several years before the Turks commenced the conquest of Yemen: and, therefore, the Pasha’s claim to exercise any jurisdiction over that part of the Howshebee district, even if its annexation to the province of the Taizz were allowed, is simply preposterous.

I have only to record my conviction that, unless prompt and direct measures are adopted to insure the early withdrawal of Turkish troops from the Howshebee country, agreeably to the assurances given by the Ottoman Porte, it will only be a question

* It is a small fort.

of time to see all, if not a greater number, of the Chiefs around Aden make their submission to that Power.

As regards Ali ben Mookbil being appointed member of Council at Taizz, I believe the statement to be wholly false. He is well known to be under restraint, and to be separated from his family at Dhali.

Copy of this letter has been sent to the Secretary of State, together with Ahmed Ayoob Pasha's original letter in Arabic.

Charles Gonne, Esq.

J. W. SCHNEIDER.

(Inclosure 1.)—*Ahmed Ayoob Pasha to Brigadier-General Schneider.*
(After compliments.) 7 Shaaban, 1290. (Rec. Oct. 9, 1873.)
(Translation.)

WE have received your letter of the 17th September, 1873, and the copy of a letter that was sent before. We have understood their contents. You write concerning the detachment of soldiers which were sent to Shuka by the order and during the rule of the former Governor-General. This detachment is in the district of Zaida, a place which is the centre of the Howshebee country, and which is annexed to the Government of Taizz. If the Shuka to which you refer is the place within the limits of the Howshebee country, near Zaida, where the Sheikh of Lahej has built a house, and placed a garrison, be it known that such a house, although found in such a place (Zaida), of course belongs to the above-mentioned man (the Sheikh of Lahej). It is lawful that such house and garrison should remain under his control, and his real rights are not to be disputed; but the persons who live in the above-mentioned house must either obey the orders of the local Government, which will be given according to the law, or leave the house. As to the Ameer Ali Mookbil, if he is the man who was the Sheikh of Dhali, the country which joins the district of Kattaba, he is now in Taizz, and is appointed a member of Council. It will not be said that he is stopped. We write this to you according to friendship. May you remain in good health.

Brigadier-General Schneider.

AHMED AYOOB PASHA.

(Inclosure 2.)—*The Resident at Aden to the Government of Bombay.*
SIR, Aden, October 20, 1873.

I HAVE the honour to report that, shortly after I had informed the Sultan of Lahej that Government approved of a warning being conveyed to his brother and nephew in its name, to the effect referred to in paragraph 6 of my letter of the 26th August last, the Sultan paid me a second visit, and asked me to assist him in apprehending the above persons.

I pointed out to the Sultan that he was the ruler of his country, and should be able to perform his own police duties. I added, that the interference of Government in such a matter would weaken his authority among his people, and that I was sure Government would not consent to take part in the proceedings against his brothers and nephews, beyond receiving them in, and deporting them from, Aden.

The Sultan left me quite satisfied, and said he would watch for a favourable opportunity before acting.

It now appears that the nephews,* Mohsin and Fadhil, paid another visit to Taizz, notwithstanding the prohibition given by the Sultan to his brothers, Abdoola and Abdool Kurreem; and on the return of the former a few days ago, some of Abdoola's followers made an attack on the bazaar at Lahej. The Sultan reports he drove off the aggressors, of whom 7 were wounded, and one killed; and that the others had taken refuge in the fortified house occupied by the brothers, who doubtless prompted this outrage. On the Sultan's side, 3 Arabs were wounded; one has since died.

The Sultan had begged me to supply him with some powder and shot for his guns before this occurrence, and I was hesitating to do so; but on a renewal of his application after the attack, I thought it advisable to support him. I have accordingly given him, on payment, 400 lbs. of gunpowder, and some shot of various calibres, which should strengthen his position, and enable him to act against his brothers.

I have, &c.,

Charles Gonne, Esq.

J. W. SCHNEIDER.

P.S.—Since writing this despatch I have received a letter from the Sultan of Lahej, in which he informs me that through the mediation of his Sheikhs and Seyds, he has accepted his nephews, Mohsin and Fadhil, sons respectively of his brothers, Abdoola and Abdool Kurreem, as hostages for their good conduct, and that he has suspended hostile proceedings against them.

J. W. S.

(Inclosure 3.)—*Brigadier-General Schneider to the Duke of Argyll.*
(Telegraphic.)

Aden, November 8, 1873.

No signs at present of withdrawal of Turkish troops from Lahej and Howshebee country. 20 in Abdoola's house with officer, 40 at Shuka. Abdoola endeavouring to negotiate indirectly with Sultan has been told no communication can be held with him while Turks occupy his house. All quiet at Lahej and around Aden. Not a case of sickness among troops. Government informed.

No. 39.—*Sir H. Elliot to Earl Granville.*—(*Received November 16.*)
(Telegraphic.) *Therapia, November 15, 1873, 6.20 P.M.*

PORTE promises instructions for immediate withdrawal of troops from Howshebee shall be sent, and engages that these instructions shall be carried out.

No. 40.—*Sir H. Elliot to Earl Granville.*—(*Received November 17.*)
(Telegraphic.) *Therapia, November 16, 1873, 5.15 P.M.*

TELEGRAM to Governor of Yemen has been despatched. He is instructed immediately to withdraw from Howshebee and from any other part of Lahej where he may have despatched troops.

No. 41.—*Sir H. Elliot to Earl Granville.*—(*Received November 18.*)
(Extract.) *Therapia, November 7, 1873.*

WITH reference to my despatch of the 30th ultimo, I have the honour to inform your Lordship that when I saw Raschid Pasha on Monday I spoke very seriously to him of the line which had been adopted by the Turkish authorities in the Yemen with regard to the Arab tribes with whom Her Majesty's Government had Treaties.

Their proceedings had been so much in contradiction with the formal assurances given by himself on repeated occasions that it would be impossible for me even to attempt to give your Lordship a satisfactory explanation of them.

The instructions with which we had been made acquainted, as those which the new Governor-General had received for his guidance, had been treated as so much waste paper. Her Majesty's Government had given a ready confidence to the assurances of the Porte; but finding it misplaced, they might now have to consider what course they may be compelled to follow with regard to the independent tribes, in whose incorporation into the Empire they are not disposed to acquiesce.

Raschid Pasha betrayed much embarrassment in answering, and seemed conscious that the complaint of Her Majesty's Government was well founded.

He asked if I had spoken to the Grand Vizier on the subject, and I said that I had just left his Highness; but that, knowing him to be pressed for time to make certain financial arrangements which brooked no delay, I had merely alluded to it, and observed that I was about to have a serious conversation with the Minister for Foreign Affairs upon the matter.

Raschid Pasha said that it was determined to send Kiamil Pasha, the Governor of Jerusalem, to the Yemen, in the character of a Commissioner, to keep the Porte informed of the political position of the province, and promised that orders to the Governor-General not to molest the tribes in question should be forwarded.

I said I was glad to receive this promise from him, although its value was considerably diminished by the fact of its having already been made, more than once, without being followed by any result.

Earl Granville.

HENRY ELLIOT.

No. 46.—Raschid Pasha to Musurus Pasha.—(Communicated to Earl Granville by Musurus Pasha, November 27.)

(Télégraphique.) *Constantinople, le 26 Novembre, 1873.*

L'ENVOI d'Aden d'un détachement de 500 soldats pour empêcher l'occupation de Léhadj par les troupes Impériales est une mesure qui ne saurait être attribuée qu'à un malentendu provenant de l'incident d'un Cheikh de Léhadj qui avait eu recours aux autorités Impériales, et à la disposition de qui celles-ci ont cru à tort devoir mettre, sur sa demande, une escorte de zaptiés. Il est probable que la présence de quelques militaires sur le territoire de Léhadj ait éveillé l'attention des autorités Britanniques, et revêtu à leurs yeux le caractère d'un fait concordant avec des rapports exagérés. Or, ainsi que Sir Henry Elliot en a déjà reçu l'assurance, le Gouvernement Impérial n'a ni occupé ni même eu la pensée d'occuper ce district. Cela est si vrai que la Sublime Porte, aussitôt informée des interprétations désagréables qui ont été la suite de l'incident ci-dessus, s'est empressée de prescrire par télégraphe et catégoriquement aux autorités compétentes et aux troupes Impériales d'éviter dans leur attitude tout ce qui pourrait donner même une apparence de réalité à ces interprétations.

Veillez entretenir Lord Granville de ce qui précède, lui donner les assurances les plus formelles sur la sincérité de nos intentions, et lui démontrer l'inutilité d'une mesure qu'aucune nécessité ne commande.

No. 48.—Sir H. Elliot to Earl Granville.—(Received November 28.)

My LORD, *Therapia, November 16, 1873.*

IN reply to your Lordship's telegram of the 14th instant I had the honour to inform you yesterday that the Porte had promised that orders should at once be sent to the Governor-General of the Yemen for the immediate evacuation of the Howshebee country, and that they had engaged that those instructions should be executed.

I am now enabled to transmit to your Lordship a translation of the telegram that has been despatched to the Governor-General, desiring him to withdraw his troops from the Howshebee, and any other part of Lahej to which they may have been sent.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

(Inclosure.)—*The Grand Vizier to the Governor-General of Yemen.*

(Telegraphic.) (Translation.) November $\frac{3}{15}$, 1873.

I HAVE understood from your last communication that, on account of Lahej having no concern with the district Howshebee, and also owing to the request of some of the Sheikhs of the country, a military and police (zaptiehs) force had been despatched by you to that locality.

In my opinion, you have acted under a misapprehension in sending troops there; you are consequently instructed to withdraw immediately those troops and zaptiehs, as well as any others which may have been sent to any other part of Lahej, and to report to me the fact of your having acted according to this instruction.

No. 50.—*Sir H. Elliot to Earl Granville.*—(Received December 1.)

MY LORD, *Therapia, November 21, 1873.*

I COMMUNICATED yesterday to Raschid Pasha the substance of your Lordship's telegram of the 19th, in reference to the continued occupation of the Howshebee country by the Ottoman troops; and his Excellency replied that he hoped that we might consider the incident as completely terminated by the instructions that had been sent, and which will ensure the evacuation of the territory in question, as Howshebee was specifically mentioned in them.

I said that, to avoid future misunderstanding, I should wish to be distinctly informed whether the present instructions were to be understood as applying to the country of the whole of the tribes having Treaties with us, of which I had furnished him with the list, and which the Porte had promised not to molest.

Raschid Pasha replied that such was the meaning of his instructions.

I trust, therefore, that no further difficulties may now arise; for, while I entertain no doubt of the sincerity of the assurances of the Grand Vizier and the Minister for Foreign Affairs, they will, I believe, now have sufficient authority to ensure their being observed.

I do not attempt to conceal from the Turkish Ministers the impression that must have been produced upon Her Majesty's Government by their late proceedings.

Many months ago a formal engagement had been taken by the Porte, and accepted in good faith by Her Majesty's Government, who, having protested when they found that it was not fulfilled, cannot but have expected that the Sultan's Government would at once and without hesitation redeem their promise, and express regret at the delay which had occurred.

Instead of this, unless I am entirely misinformed, the question of the expediency of maintaining or withdrawing the troops seems

again to have been discussed, as though it were a matter upon which the Porte was still free to decide, and, although Her Majesty's Government will learn with pleasure that the troops are withdrawn, the decision will not inspire them with the same confidence in any future assurances that they may receive from the Porte, as would have been the case if it had been come to on the simple ground of being done in redemption of a former engagement.

I have, &c.

Earl Granville.

HENRY ELLIOT.

No. 52.—Earl Granville to Sir H. Elliot.

SIR, *Foreign Office, December 4, 1873.*

MUSURUS PASHA called upon me to-day, and requested to be informed whether Her Majesty's Government had any reply to give to the suggestions he had made on the 27th ultimo, in conformity with Raschid Pasha's telegraphic instructions that the British force might be withdrawn from the territories of the Sultan of Lahej.

I replied that it appeared, by a telegraphic despatch received on the 2nd instant from the Resident at Aden, that the Turkish forces had not yet withdrawn, either from Lahej, or from Shuka in the Howshebee district, and that the land two miles south of Zaida was being cultivated by the Howshebee tribe, who were supported by the presence of the Turkish agent and of Turkish troops.

I said that I thought that this report of the continued presence of the Turkish forces was a sufficient answer to his inquiry. I could only ascribe their not having withdrawn to some unexpected delay which must have occurred in the transmission of the instructions which had been sent from Constantinople.

I requested him again to represent to his Government how serious was our reason for complaint that the assurances repeated during the course of the year by the Sublime Porte had been so completely unfulfilled.

I am, &c.,

Sir H. Elliot.

GRANVILLE.

No. 56.—Sir H. Elliot to Earl Granville.—(Received December 12.)

MY LORD, *Therapia, December 2, 1873.*

I HAVE the honour to inclose the copy of a note that I have addressed to Raschid Pasha requesting him, with a view to prevent further misunderstanding, to send further instructions to the Governor-General of the Yemen, stating distinctly that the orders to evacuate the districts of Lahej and Howshebee apply equally to the territories of the other Arab tribes which have Treaties with Her Majesty's Government.

I saw his Excellency yesterday before he had received the note, and having communicated the substance of your Lordship's tele-

gram of the 29th ultimo, I obtained from him the promise that instructions, such as I asked for, should at once be sent by telegraph to the Governor-General.

He explained the mention of Lahej and Howshebee by name by saying that he was not aware of there being districts belonging to the other tribes that were occupied by the Ottoman troops.

The Porte, he repeated, had every intention of adhering faithfully to the resolution it had announced in reference to the tribes in question, and he hoped Her Majesty's Government would therefore also withdraw the troops which had been sent from Aden.

I said I had no information respecting these troops; but I had already warned his Excellency not to be surprised if in consequence of the non-execution by the Ottoman commanders of the promises that had been made by the Porte, Her Majesty's Government should think it necessary to adopt measures for the protection of the threatened districts.

I have, &c.,

Earl Granville.

HENRY ELLIOT.

(Inclosure.)—Sir H. Elliot to Raschid Pasha.

SIR,

Therapia, November 30, 1873.

HAVING duly forwarded to Her Majesty's Government a copy of the telegraphic instructions which your Excellency had the goodness to communicate to me, by which the Governor-General of the Yemen was directed to withdraw the troops from the Howshebee territory, I have received a telegram from Earl Granville, pointing out that the wording of those orders does not make it clear that they apply to the country of the whole of those Chiefs having Treaties with Great Britain whom the Sublime Porte in July last engaged not to molest.

Although your Excellency, when I pointed out the indistinctness of the telegram, assured me that the orders were to be understood as applying to the country of all the Chiefs in question, it is so necessary to prevent the recurrence of any further misunderstanding that your Excellency will, I hope, see the propriety of despatching such additional instructions to the Governor-General as shall leave him without the possibility of doubt on the subject.

I would beg your Excellency to believe that I make this request, not as implying the slightest doubt of the intentions and meaning of the Sublime Porte, as conveyed to me by your Excellency, but solely with the view of guarding against the occurrence of the misunderstanding which occurred when the former instructions were sent.

I avail, &c.,

Raschid Pasha.

HENRY ELLIOT.

No. 57.—Raschid Pasha to Musurus Pasha.—(Communicated by Musurus Pasha, December 12.)

(Télégraphique.)

Constantinople, le 11 Décembre, 1873.

LE Gouverneur-Général du Yémen informe la Sublime Porte, par un télégramme en date du 26 Novembre, de l'envoi aux autorités locales d'ordres catégoriques pour l'évacuation par les troupes Impériales du territoire de Havachib.

No. 61.—The Resident at Aden to the Government of Bombay.—(Received January 12, 1874.)

SIR,

Lahej, December 7, 1873.

I HAVE the honour to report that the Turkish troops evacuated Lahej and the Howshebee country on the 4th and 6th December respectively. I arrived at the former place on the evening of the 5th idem, and informed Abdoolla bin Mohsin that I wished to see him the following day. He was told that the Resident would guarantee his safe return to his fort.

Abdoolla bin Mohsin wrote in reply that he would gladly visit the Resident to state his grievances, and he asked to be escorted by Captain Hunter.

He was brought to my quarters at 12 o'clock on the 6th December by the above officer, accompanied by his brother Abdool Kurreem and his son Fudhil.

Abdoolla then proceeded to state his grounds for complaint, which were in effect that he was the eldest brother of the family, that he had not fair division of the Lahej territory and the Government subsidy, and that he ought to exercise power as well as the Sultan.

I pointed out to him that there could be only one ruler in a country, and that the present Sultan had been elected to reign by the suffrages of the Sheikhs and Seyds of the Principality, and that he, his son and brother, were subjects of the Sultan, and had committed a great crime in rebelling against his authority and seeking the intervention of the Turks, instead of applying to the Resident for redress if he, and those with him, considered they had been wronged.

Abdoolla replied to this that he had not addressed the Resident, as he had never been noticed or recognized by that functionary, and he referred, with some bitterness, to a slight he said he had received from a former Resident who had refused his hand when he extended it for the usual friendly salutations. I reminded him that I was not responsible for this act, and that I had sent him a warning against continuing to act in opposition to the Sultan's wishes by holding communications with the Turks, and Ali-bin-Mana the Howshebee, who was his brother's enemy.

Abdoolla replied that he had felt himself in such a strait that he

accepted the assistance of any one against the Sultan, and he begged the clemency of Government for his conduct.

I listened patiently to everything Abdoolla had to say, and I then told him that his making his submission to the Turks, and calling their troops to his aid to invade Lahej territory after he had given hostages for future good conduct, had caused grave complications, and had given much trouble to the British Government, and that his acts could not be passed over; and I informed him the Resident required him, with his brother Abdool Kurreem, and his son, to make their unconditional submission by 4 o'clock that afternoon, and also to make over the occupation of his fortified houses at the same hour to British troops.

Abdoolla was taken by surprise by these conditions, but I stated that they could not be abated one hair, and that if not complied with by the time named, British troops would invest and capture his forts by force of arms. He demurred for a while, protesting that he, Abdool Kurreem, and his son, could not forsake their families, and that they would rather die under the ruins of their houses than submit to such humiliating terms.

I remarked to Abdoolla that the British Government did not war with women and children, and that he might rely on their families being treated in a manner befitting their position, and that this duty would be undertaken by Fudhil-bin-Ali, a nephew of the Sultan, with the permission of the latter.

After a little consultation among themselves, Abdoolla, on behalf of himself, his brother, and son, accepted unconditionally the terms offered to him, and he said he was prepared to go to Aden as a prisoner, with his son and Abdool Kurreem, and to make over his forts at once to British troops.

I accordingly ordered a detachment of troops, British and native, to parade for the purpose, under the command of Lieutenant-Colonel Edwards, and they were marched to the forts before 3 o'clock, accompanied by my Assistant, Captain Hunter, and Abdoolla, Abdool Kurreem, and Fudhil bin Abdalla. The former ordered his garrison to vacate, which was done with great demonstrations of delight by the Arabs, and the troops took possession.

The families left at dusk, the aged mother of Abdoolla being carried on a dhoolie, and shortly afterwards Abdoolla and his son and Abdool Kurreem were taken to Aden by Captain Hunter with an escort of the Aden troop, where they will await the orders of the Government for their disposal.

I inspected the forts in the evening, and am satisfied that they could only have been reduced by powerful artillery and mortars, owing to the great thickness of the walls and to their being built of white sun-burnt bricks. This morning the forts were entirely dis-

mantled, and openings have been made in the walls, so that they are quite untenable, and I await the arrival of the Executive Engineer to further destroy a place which has been a standing menace against the Sultan of Lahej for the last 10 years, and which enabled Abdoolla and other members of the family residing there to rebel against his authority with comparative impunity.

I anticipate the best results from the retribution that has overtaken Abdoolla, Abdool Kurreem, and Fudhil bin Abdalla, and the people around recognize the influence and strength of the British Government, which has, apparently without an effort, not only forced Turkish troops to withdraw, with great loss of prestige, from positions they desired to occupy, but has also been able to inflict in a few hours a terrible punishment on the Chief who has hitherto defied the authority of the ruler of the country.

Copy of this letter will be forwarded to the Secretary of State for India.

I have, &c.,

Charles Gonne, Esq.

J. W. SCHNEIDER.

TRAITÉ d'Amitié, de Commerce, et d'Établissement entre la Suisse et le Danemark.—Signé à Paris, le 10 Février, 1875.

[Ratifications échangées à Paris, le 10 Juillet, 1875.]

LE Conseil Fédéral de la Confédération Suisse, et Sa Majesté le Roi de Danemark, animés du désir de resserrer les liens d'amitié et les rapports de commerce qui unissent les deux pays, ont décidé d'un commun accord de conclure à cet effet un Traité spécial, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral de la Confédération Suisse, M. Kern, Envoyé Extraordinaire et Ministre Plénipotentiaire près la République Française ; et

Sa Majesté le Roi de Danemark, M. le Comte de Moltke-Hvitfeldt, Son Envoyé Extraordinaire et Ministre Plénipotentiaire près le Gouvernement de la République Française ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I.* Les citoyens Suisses qui s'établissent dans le Royaume de Danemark ou qui y séjournent pendant un temps plus ou moins long seront traités sur le même pied que les sujets Danois en tout ce qui concerne le choix de leur résidence, la faculté d'acquérir des propriétés par voie d'achat ou d'héritage, d'aliéner leurs biens meubles et immeubles, le libre accès devant les tribunaux, le paiement des droits et impôts, &c. Ils seront également traités sur le

* See Additional Article. Page 309.

même pied dans les colonies, excepté au Groënland, où, conformément aux règles existantes, aucun citoyen Suisse ne pourra s'établir ni faire du commerce sans une autorisation spéciale du Gouvernement Danois.

II.* De même, les sujets Danois qui habitent le territoire de la Confédération seront, pour tous les droits dont il est question dans l'Article précédent, assimilés aux citoyens Suisses.

III. Tout citoyen de l'un des deux États qui voudra s'établir dans l'autre devra être porteur de certificats de nationalité en bonne et due forme, délivrés par l'autorité compétente.

IV. Les citoyens de l'un des deux États, résidant ou établis dans l'autre, qui voudront retourner dans leur pays, ou qui y seront renvoyés en vertu d'une sentence judiciaire ou des règlements de police sur les mœurs et la mendicité, seront reçus en tout temps et en toute circonstance, avec leurs femmes et leurs enfants, dans le pays d'où ils sont originaires et où, conformément aux lois, ils ont conservé leurs droits.

V. Aucune des Hautes Parties Contractantes ne pourra, pour l'importation, l'exportation, l'emmagasinage, et le transit des produits du sol ou de l'industrie de l'autre pays, exiger des droits autres ou plus élevés que ceux qui sont ou seront imposés sur des articles de la même espèce appartenant aux produits du sol ou de l'industrie de la nation la plus favorisée.

VI. Les marchandises de provenance Danoise entreront librement sur le territoire de la Confédération Suisse. De même, le territoire et les ports du Danemark et de ses colonies, excepté ceux du Groënland, seront ouverts à tous les produits Suisses, pourvu qu'ils y soient importés sur des navires Suisses ou Danois, ou sous tout autre pavillon ayant libre accès dans les ports Danois. Les marchandises Suisses naviguant sous pavillon Danois, ou sous celui d'une des nations les plus favorisées, acquitteront les mêmes droits que celles de cette dernière nation; sous tout autre pavillon elles seront traitées comme les produits du pays auquel appartient le navire.

En cas de naufrage et de sauvetage sur les côtes Danoises, les marchandises Suisses seront considérées et traitées comme si elles appartenaien à des citoyens Danois.

VII. Il est, en outre, convenu entre les deux Hautes Parties Contractantes que tout avantage en matière de commerce ou de douane, ou relatif aux points mentionnés dans l'Article I, que l'une d'elles aurait accordé ou accorderait ultérieurement à une tierce Puissance, sera en même temps et de la même manière étendu à l'autre.

VIII. Les citoyens de chacune des Hautes Parties Contractantes seront, sur le territoire de l'autre, affranchis (excepté dans

* See Additional Article. Page 309.

les colonies Danoises des Indes Occidentales) de toute espèce de service militaire, soit dans l'armée, la marine, la garde nationale, ou la milice. Ils seront également exempts de toutes impositions en argent ou en nature, établies en remplacement du service militaire. Toutefois, pour ce qui concerne le logement des troupes et les autres prestations en nature pour l'armée, ils seront assimilés aux habitants du pays.

IX. Les Parties Contractantes s'accordent mutuellement le droit d'établir dans les principales villes et places de commerce de leurs États respectifs des Consuls ou Vice-Consuls, qui jouiront, dans l'exercice de leurs fonctions, des mêmes immunités et privilèges que ceux des nations les plus favorisées. Mais avant qu'un Consul ou Vice-Consul puisse agir en cette qualité, il devra être reconnu, dans les formes usitées, par le Gouvernement auprès duquel il est accrédité. Pour ce qui regarde leurs affaires privées et commerciales, les Consuls et Vice-Consuls seront soumis aux mêmes lois et aux mêmes usages que les simples particuliers qui sont citoyens du pays où ils résident. Il est, en outre, entendu que, si un Consul ou Vice-Consul se rend coupable d'une infraction aux lois, le Gouvernement auprès duquel il est accrédité, ou le Gouverneur, s'il habite les colonies, pourra, suivant les circonstances, lui retirer l'exequatur, le faire sortir du pays ou le punir conformément à la loi, en faisant toutefois connaître à l'autre Gouvernement les motifs de sa démarche.

Les archives et les papiers des Consulats seront regardés comme inviolables. Aucun magistrat ni autre fonctionnaire ne pourra, sous quelque prétexte que ce soit, y faire une perquisition, les saisir ou s'y immiscer d'une manière quelconque.

X. Le présent Traité restera en vigueur pendant 10 années à compter du jour de l'échange des ratifications, et continuera à être en vigueur aussi longtemps que l'une des Puissances n'aura pas notifié à l'autre, 12 mois à l'avance, son intention d'en faire cesser l'effet.

XI. Les ratifications du présent Traité seront échangées à Paris, dans l'espace de 6 mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signé en double original et l'ont revêtu du cachet de leurs armes, à Paris, le 10 Février, 1875.

(L.S.) KERN.

(L.S.) DE MOLTKE-HVITFELDT.

ARTICLE ADDITIONNEL.—Paris, le 22 Mai, 1875.

AFIN d'écarter tout doute sur la portée des Articles I et II de Traité d'Amitié, de Commerce et d'Établissement entre la Con-

fédération Suisse et Sa Majesté le Roi de Danemark, conclu et signé à Paris, le 10 Février dernier, les soussignés Plénipotentiaires des deux Puissances en vertu des autorisations de leurs Gouvernements sont convenus par le présent Article Additionnel:—

Que l'assimilation complète assurée par les dits Articles aux citoyens Suisses en Danemark et aux sujets Danois en Suisse pour tout ce qui concerne l'exercice des droits civils s'étend également au libre exercice de toute profession autorisée.

Le présent Article Additionnel aura la même force et valeur que s'il était textuellement inséré dans le Traité signé le 10 Février dernier.

Il sera ratifié par les deux Parties Contractantes, et les ratifications en seront échangées à Paris, le même jour et en même temps que celles du Traité principal.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Article Additionnel en double original et l'ont revêtu du cachet de leurs armes, à Paris, le 22 Mai, 1875.

(L.S.) KERN.

(L.S.) L. MOLTKE-HVITFELDT.

CORRESPONDENCE respecting the Recognition by Great Britain and other Powers of Prince Alfonso as King of Spain.—1875.

No. 1.—The Earl of Derby to Mr. Layard.

SIR,

Foreign Office, January 5, 1875.

I HAVE received your telegraphic despatch of the 31st ultimo, reporting the formation of the Alfonsist Ministry, and that you intend to act in your relations with them in accordance with the instructions you received from Earl Granville on the occasion of the abdication of Prince Amadeo.

In reply I have to acquaint you that Her Majesty's Government approve the course you propose to take.

I am, &c.,

Rt. Hon. A. H. Layard.

DERBY.

No. 2.—The Earl of Derby to Mr. Layard.

(Extract.)

Foreign Office, January 26, 1875.

IN the instructions with which you were furnished on the 5th instant, I confined myself to authorizing you to enter into officious relations with the newly-constituted Government, and I do not yet feel in a position to instruct you to proceed further in the direction of a formal recognition.

At the same time, while desiring that you should maintain in

this respect an attitude of reserve, such as the state of affairs in Spain still requires, Her Majesty's Government are anxious that His Majesty and the Spanish Government should understand that this country is actuated towards Spain by the warmest sentiments of good-will. The ties which united the two nations in the events of past history cannot, Her Majesty's Government feel confident, be forgotten by either.

It would, therefore, be with unalloyed satisfaction that Her Majesty's Government would welcome the firm establishment of an enlightened, tolerant, and constitutional monarchy in Spain, and they hope that His Majesty and his advisers may so take advantage of the present occasion as to realize this object, and re-establish civil order and good administration throughout the kingdom and its colonial dependencies.

Her Majesty's Government would wish you to convey this expression of their sentiments to the Government of His Majesty in the manner which may appear to you most suitable.

The policy of Her Majesty's Government is one of non-interference in the internal affairs of foreign States, and they have no intention of departing from it. They cannot, however, but think that the King and his Government may derive support from being acquainted with the view taken of the situation in Spain by the Government of a friendly and disinterested country, and they therefore consider that you should lose no fair and becoming opportunity of impressing upon the Spanish Government the vital importance to the King and the people of Spain of maintaining unimpaired the principles of religious freedom.

Rt. Hon. A. H. Layard.

DERBY.

No. 3.—Sir A. Paget to the Earl of Derby.—(Received January 29.)

MY LORD,

Rome, January 26, 1875.

ON leaving Signor Visconti Venosta this morning I met in the ante-room Señor Rances, Marquis of Casa Laiglesia, Minister of the Spanish Republic to this Court, and who has been acting in the same capacity since the proclamation of the Prince of Asturias, who informed me he had come to announce to Signor Visconti Venosta that he had this morning received a letter for His Majesty the King of Italy from King Alfonso, notifying His Majesty's accession to the throne of Spain.

I have, &c.,

The Earl of Derby.

A. PAGET.

No. 4.—Lord A. Loftus to the Earl of Derby.—(Rec. February 1.)

MY LORD,

St. Petersburg, January 27, 1875.

PRINCE GORTCHAKOW informed me yesterday that on the receipt of the official announcement notifying the accession of King

Alfonso to the throne of Spain (which was on the road and was daily expected) the recognition by the Emperor would take place.

I have, &c.,

The Earl of Derby.

AUGUSTUS LOFTUS.

No. 5.—Lord Odo Russell to the Earl of Derby.—(Rec. February 1.)

MY LORD,

Berlin, January 26, 1875.

THE Spanish Minister, Count Rascon, had the honour to deliver to the Emperor this day, at a private audience, a letter from King Alfonso, announcing his accession to the throne of Spain.

The Emperor was graciously pleased to say that an early acknowledgment would be sent to the King, together with letters of credence to Count Hatzfeldt, accrediting him as Envoy Extraordinary and Minister Plenipotentiary to His Majesty.

I have, &c.,

The Earl of Derby.

ODO RUSSELL.

No. 6.—Sir A. Buchanan to the Earl of Derby.—(Rec. February 1.)

MY LORD,

Vienna, January 28, 1875.

M. D. MAZO, lately accredited as Spanish Minister to this Court by the Government of Marshal Serrano, was received yesterday at a private audience by the Emperor, to deliver a letter to His Majesty from King Alfonso, announcing his accession to the throne.

Letters of credence will, in consequence, be forwarded without further delay to the Austrian Minister at Madrid, accrediting him as the Emperor's Envoy Extraordinary to His Catholic Majesty.

I have, &c.,

The Earl of Derby.

ANDREW BUCHANAN.

No. 7.—Sir C. L. Wyke to the Earl of Derby.—(Rec. February 12.)

MY LORD,

Copenhagen, February 9, 1875.

DON ALFONSO DE BOURBON having by an autograph letter announced to the King of Denmark his accession to the Spanish throne, was replied to yesterday in similar form by the King, who, following the example of most of the other European Sovereigns, has thus acknowledged and recognized that Prince as the legitimate King of Spain.

I have, &c.,

The Earl of Derby.

CHARLES LENNOX WYKE.

No. 8.—Mr. Morier to the Earl of Derby.—(Received February 14.)

MY LORD,

Munich, February 4, 1875.

M. MAZO, the Spanish Minister at Vienna, who is also accredited here, has come to Munich, and been received at an

audience by the King for the purpose of notifying to His Majesty the accession of King Alfonso to the throne of Spain.

I have, &c.,

The Earl of Derby.

R. B. D. MORIER.

No. 9.—*Mr. Layard to the Earl of Derby.*—(Received February 14.)
(Extract.) *Madrid, February 3, 1875.*

I CALLED upon Señor Canovas del Castillo yesterday, and communicated to his Excellency the substance of your Lordship's despatch of the 26th ultimo. As your Lordship had left it to me to convey this expression of the sentiments of Her Majesty's Government to that of the King in the manner which might appear to me most suitable, I thought it best to do so to the President of the Ministry-Regent. In order that there should be no misinterpretation, or misunderstanding, of your Lordship's words, I gave Señor Canovas a Memorandum *pro memoria* (copy inclosed), of what I had said to him. His Excellency begged me to assure your Lordship that the warm and friendly interest shown by your Lordship and Her Majesty's Government in His Majesty and the Spanish nation would be greatly appreciated by the King and his Government. He trusted that the time was not far distant when I should be authorized to enter into more intimate and formal relations with the Spanish Ministry. "The friendship of England," he said, "was dear and precious to Spain," and he cordially assented to your Lordship's observation "that the two nations could never forget the ties which had so long united them in the events of past history; nor could Spain," he added, "be otherwise than ever grateful for the many proofs she had received of that friendship." His Excellency concluded by repeating to me the assurances that he had previously given me, that it was his firm intention to maintain unimpaired the principles of religious freedom.

The Earl of Derby.

A. H. LAYARD.

(Inclosure.)—*Memorandum.*—February 2, 1875.

HER Majesty's Government has instructed me to state to his Excellency Señor Canovas del Castillo that England is actuated towards Spain by the warmest sentiments of good-will, and that the ties which united the two nations in the events of past history cannot, Her Majesty's Government feel confident, be forgotten by either.

It would, therefore, be with unalloyed satisfaction that Her Majesty's Government would welcome the firm establishment of an enlightened, tolerant, and constitutional monarchy in Spain, and they hope that His Majesty the King and his advisers may so take advantage of the present occasion as to realise this object and

re-establish civil order and good administration throughout the Kingdom and its colonial dependencies.

The policy of Her Majesty's Government is one of non-interference in the internal affairs of foreign States, and they have no intention of departing from it. But they cannot but consider it entirely consistent with the position of a truly friendly and disinterested Power to impress upon the Spanish Government the vital importance to the King and the people of Spain of maintaining unimpaired the principles of religious freedom.

A. H. LAYARD.

No. 13.—Mr. Fenton to the Earl of Derby.—(Received February 17.)
(Extract.) *The Hague, February 15, 1875.*

WITH reference to my despatch of the 3rd instant, I have the honour to inform your Lordship that I learn from the Netherland Minister for Foreign Affairs that the King of the Netherlands has addressed a letter to King Alfonso, in reply to that lately received from him, acknowledging His Majesty as King of Spain.

The Earl of Derby.

H. P. FENTON.

No. 15.—Mr. Layard to the Earl of Derby.—(Received March 6.)
MY LORD, *Madrid, February 27, 1875.*

ACCOMPANIED by the members of Her Majesty's Legation, I had to-day the honour of being received by the King for the purpose of delivering Her Majesty's letter of congratulation on his accession to the throne, and the letter accrediting me as Her Majesty's Envoy Extraordinary and Minister Plenipotentiary to this Court, and I beg to transmit to your Lordship herewith copy of my address to His Majesty, as well as of his reply, with a translation thereof.

I have, &c.,

The Earl of Derby.

A. H. LAYARD.

(Inclosure 1.)—Mr. Layard's Address to the King of Spain.

SIR,

I HAVE the honour to deliver to your Majesty the answer of the Queen, my gracious Sovereign, to the letter of your Majesty, announcing your Majesty's accession to the throne, and at the same time a letter from Her Majesty, by which she is pleased to accredit me in the character of her Envoy Extraordinary and Minister Plenipotentiary.

I am specially commanded by Her Majesty to offer to your Majesty her sincere congratulations and her warm wishes for your Majesty's happiness and prosperity, and to express to your Majesty her hopes that your Majesty's reign will be marked by a constitu-

tional, enlightened, and tolerant policy, such as may tend to promote the welfare of Spain.

It is the earnest desire of the Queen and her people that the friendly relations which have so long and so happily subsisted between Spain and England should be maintained and improved. I trust that, in my endeavours to contribute to this object, I shall deserve and obtain your Majesty's confidence and support.

(Inclosure.)—*The King of Spain's Reply to Mr. Layard.*

(Translation.)

M. LE MINISTRE,

I RECEIVE with true pleasure the answer of your august Sovereign to the communication of my accession to the throne, and the letter in which she accredits you as her Envoy Extraordinary and Minister Plenipotentiary.

The felicitation which you are charged to present to me on the part of Her Britannic Majesty, and her hope that my efforts will be principally directed to promote the well-being of my country by the means best fitted to that end, are of great value to me.

I beg you, M. le Ministre, to transmit to Her Majesty the Queen my profound gratitude for her benevolent sentiments, which I have great pleasure in reciprocating by my fervent wishes for her constant happiness and for that of her people, and assure her that my desire and that of Spain to preserve and draw closer the relations of cordial friendship happily and long existing with England is not less lively.

I do not doubt that you will contribute to that laudable object with your zeal and distinguished qualities, and for that purpose you will always find in me the benevolent support for which you reasonably ("fundamente") hope.

CORRESPONDENCE between Great Britain and Peru, respecting the Imprisonment of British Subjects in Peru. (Case of the Talisman, &c.)—1874, 1875.

No. 1.—*Mr. Jerningham to the Earl of Derby.*—(Received May 29.)
(Extract.) *Lima, April 27, 1874.*

Two British subjects, named Bell and Sterling, youths of about 16 and 20 years old, have been incarcerated at a place on the Oroya and Lima Railroad since July last, on suspicion, I believe, of having something to do with the drowning of a "native," who himself had been arrested (and escaped by jumping into the river), for having stabbed the overseer of the camp of workmen on the line.

I have not been able to ascertain exactly in what way these men could have been privy to the drowning of the "native;" but they were arrested by the Commissary, and have been kept in prison a very long time. I have written continually to the Minister for Foreign Affairs to have this case proceeded with and themselves admitted to bail.

At Christmas they were let out for a fortnight or so, bailed, I understand; but on their return to their work again, they were shut up a second time in a fearfully foul prison, which appears to have been an old mine.

The other day only I had a serious conversation with Señor Sanchez, the present Minister for Foreign Affairs and Minister of Justice, on the length of the imprisonment of these men, and on the conduct of the Judge of Huarchiri, who must have been, according to accounts, remiss in not concluding the trial before now; and I requested, energetically, that these youths should be admitted again to bail. His Excellency gave me to understand that he would immediately take steps in the matter, and would write directly to the President of the Supreme Court of Justice.

By the answer which I received this morning from the Minister of Foreign Affairs and Justice, copy of whose note I have now the honour to forward to your Lordship, his Excellency says that the trial of Bell and Sterling is on the point of being concluded; but that on account of the nature of the act of which they stand accused, the laws of the country do not allow them to be admitted to be bailed, and that if they were let out before, at Christmas, the legal regulations had been infringed.

I think, if your Lordship would take the matter in hand, speak to Minister Galvez, and animadvert upon the length of time these youths have been imprisoned, in what is said to be a foul and wretched place, and not giving them sufficient food, which the laws of Peru allow to those incarcerated, it would be very opportune and just, and prove of great service.

The Constitution of Peru says, I think, "Prisons are places, in this Republic, of detention, not of punishment;" but very often they are so bad that they are just the contrary.

The Earl of Derby.

W. G. S. JERNINGHAM.

(Inclosure.)—Señor Sanchez to Mr. Jerningham.

(Translation.)

Lima, April 24, 1874.

It is a pleasure to me to impart to your Excellency the information given by the Judge of Huarchiri, in connection with the case of the British subjects, Bell and Sterling, which is under full consideration, and nothing more is wanting in the conclusion of the case but a summary declaration of some of the witnesses to be confronted

with the accused, and in their defence the proofs to be taken in their favour.

From the same information of the Judge it appears that the said individuals cannot be liberated under bail for the crime for which they are accused; it is expressly prohibited by law. In this, therefore, when the judgment has arrived in this capital, I have no doubt they will be free from prison.

With regard to the prison in which they are confined, it serves for all classes who are detained, without distinction, and it is, without doubt, not a place of ease and comfort; but that which is represented of it is highly exaggerated.

Hoping very soon to communicate to your Excellency the final result of the case, I have, &c.

Hon. W. G. S. Jerningham.

JOSE EUSEBIO SANCHEZ.

No. 4.—The Earl of Derby to Mr. Jerningham.

(Telegraphic.)

Foreign Office, June 23, 1874, 4.45 P.M.

WITH reference to your despatch of the 27th of April, if the trial of Bell and Sterling is not over, press strongly for the immediate conclusion of the proceedings, and for them to be liberated on bail, or at all events removed to some place where they may be treated with humanity.

Furnish a detailed report of the whole matter, that Her Majesty's Government may judge what further steps may be taken in it.

No. 6.—Mr. Nugent to the Earl of Derby.—(Received July 28.)

MY LORD,

Lima, June 27, 1874.

MR. JERNINGHAM, in his despatch of the 27th of April, called the attention of the Foreign Office to the case of John Bell and Joseph Richard Sterling, two boys, British subjects, who had been for many months imprisoned in a foul dungeon in the town of Machucana, some 72 miles distant from this place.

The boys were still in prison when I arrived, and as soon as possible after Mr. Jerningham's departure, and I had made myself acquainted with the circumstances, I sought an interview with the Peruvian Minister for Foreign Affairs, pointed out to him the excessive privations which the boys had suffered, confined in a filthy dungeon for many months on the merest suspicion, and the criminal neglect of the Judge of Machucana in the matter.

The Peruvian Minister at once, and in my presence, addressed a note to the Minister of Justice, urging him to investigate into and take immediate action in the matter.

As the town of Machucana is easily accessible by the Oroya roadway, now in course of construction, I determined personally to

look into the matter, as the condition of the prisoners was described to me as so painful and disgusting as almost to beggar belief. I regret to say that no language is sufficient to convey to your Lordship an adequate idea of the filthy and pestilential hole. It is impossible to conceive that any men with the slightest spark of humanity would have condemned their fellow-men to an imprisonment almost equalling in horrors the accursed Black Hole of Calcutta.

I deemed it my duty to bring the result of my personal inspection at once to the notice of the Peruvian Government, and I have now the honour to transmit to your Lordship a copy of my despatch to the Peruvian Minister for Foreign Affairs.

When I arrived in Machucana, the boys, as your Lordship will observe in my despatch to the Minister, were no longer there, their health, after wonderful endurance, having broken down under the confinement. They are now in the prison hospital in this city, and I am assured by Dr. Henry, the British chaplain, who has visited them, that they are fairly treated and rapidly regaining health.

Your Lordship will be glad to hear that my remonstrances have already produced great effect. By a Decree of the Minister of Justice, dated the 21st instant, the unworthy Judge has been removed from his post, and the Government have ordered a criminal suit to be at once commenced against him. All the prisoners I saw in the pestilential hole have been removed to the prison in this city, to wait their trials, and the Peruvian Minister for Foreign Affairs informed me a day or two ago that the Government have ordered the excavation to be closed with solid masonry, that it may not be in the power of any authority ever to misuse it again.

I have, &c.,

The Earl of Derby.

G. H. NUGENT.

(Inclosure.)—Mr. Nugent to the Peruvian Minister for Foreign Affairs.

Lima, June 20, 1874.

THE Undersigned has the honour to inform his Excellency the Peruvian Minister for Foreign Affairs that in the discharge of his duties he took occasion to visit the prison in Machucana in which John Bell and Joseph Richard Sterling were confined.

Neither the Sub-Prefect nor the Juez de Primera Instancia were in Machucana when the Undersigned visited that town, but a party, who said he was the secretary of the Sub-Prefect, showed the Undersigned where the prison was. The Undersigned was assured that the Judge was rarely to be found at his post. The boys, he learnt from the prisoners, had been removed to the prison hospital in Lima,

their health having given way under the excessive hardship of their confinement.

When the Undersigned visited the prison, or approached it as near as he could, as the foul emanations from it were sickening, there were 31 prisoners confined in it. This prison is an excavation in the solid rock, with an iron-grated door, through which is the only ventilation. It is about 21 feet long, 7 feet wide, and 10 feet high. At the end of it there is a small excavation in the rock, in which there is a tub, which serves for the necessities of the prisoners, and is only emptied once a day. Your Excellency can imagine what the effluvium is. In this pestilential dungeon the two English boys, John Bell and Joseph Richard Sterling, were confined for some 11 months. There is no bed or covering of any kind, the prisoners finding what rest they can on the stone floor, and that only by turns, as the limited space will not allow any such number to lie down at a time. No provision is taken to supply them regularly with food. Many depend on what money they have brought into prison, others on their friends and families outside, and those, like the English boys, who have no friends or families, on little else than the charity and the refuse of their fellow-prisoners. I am assured that Bell only received 8 reals from the authorities for his maintenance for 43 days.

No language can adequately describe or convey to your Excellency such a disgraceful state of things.

The Undersigned feels assured that neither his Excellency nor his Excellency the President can be aware of the dreadful inhumanity consented to by the authorities of Machucana. He feels assured that the humanitarian spirit for which his Excellency the President is so eminently distinguished, would, had it been brought before his Excellency as it is now truthfully presented by the Undersigned, have at once and for ever put an end to inhumanity which is a stigma to the civilization and the benevolence of the Peruvian nation.

The Undersigned earnestly prays his Excellency to bring the matter at once before the President, that such a scandal and outrage on humanity may disappear.

The Undersigned understands from Dr. Henry, who has visited the boys in their present prison, that their health is much improved since their removal from the prison in Machucana, and trusts that through the exertions of his Excellency some final decision may be shortly obtained from the judicial authorities.

The Undersigned, &c.

G. H. NUGENT.

No. 7.—The Earl of Derby to Mr. Nugent.

SIR,

Foreign Office, July 31, 1874.

I HAVE to state to you that I entirely approve the steps you have

taken, as reported in your despatch of the 27th ultimo, on behalf of the two English boys, Bell and Sterling, who were imprisoned at Machucana.

Her Majesty's Government have learnt with satisfaction that, in consequence of your representations, measures have been adopted by the Peruvian Government to punish the Judge responsible for the ill-treatment to which these boys were subjected, and to prevent any further use being made of the dungeon in which they were confined.

I am, &c.,

G. H. Nugent, Esq.

DERBY.

No. 8.—*Mr. Nugent to the Earl of Derby.*—(Received August 28.)
 MY LORD, *Lima, July 27, 1874.*

I HAVE to call your Lordship's attention to the case of Laurence Higginson, a British subject, who was taken out of the steamer *Santiago* on the 18th instant, when at anchor in the Bay of Callao, under an order from the Captain of the Port, and was thrown into prison.

The action of the Captain of the Port appears to me so arbitrary that I will briefly recapitulate the facts of the case as they were presented to me, and by me laid before the Government.

On the 15th of June, when the steam-ship *Santiago* was at anchor in the Bay of Panama, a deck trader came on board with articles for sale; among these were two revolvers, which were passed from hand to hand by the crew, all being ignorant that any of the chambers were loaded. When in the hands of Laurence Higginson, he unfortunately pulled the trigger, the shot went off, and a lamp-trimmer, a Chilean, was unfortunately wounded in the back. A doctor was immediately sent for, and he considered it necessary that the man should be sent to hospital for treatment. This was done and the steam-ship *Santiago* at her appointed time sailed for Callao, leaving the wounded man behind. The case was inquired into by the Chilean Consul in Panama, who satisfied himself that the misfortune was purely accidental. The man's hospital expenses and wages appear to have been paid by the Pacific Steam Navigation Company. On the *Santiago's* return to Panama early in July the man was reported as fit to return to his ship. He was accordingly taken on board on the 7th of July, and on arrival in Callao on the 17th instant he brought an action against Laurence Higginson for an attempt to murder him. Without any inquiry into the matter, Laurence Higginson was, as I have stated, taken out of his ship and imprisoned. Report being made to Her Majesty's Acting Consul at Callao, he sought information from the Captain of the Port, was referred by him to the Intendant, and by this authority again referred to the Captain of the Port. Failing to obtain information from either, he protested against the illegality of the proceedings, and referred the matter to me.

The whole facts of the case were clearly set forth in my despatch of the 20th to the Minister for Foreign Affairs, of which I have the honour to transmit a copy, and it does appear to me that they should have been sufficient to obtain the immediate release of the prisoner. However, it was not so, the wrong still continued, and it was not until the 24th that I succeeded in having him set at liberty. I have the honour to transmit under this cover translation of the Minister's despatch in reply to mine of the 20th, and also copy of my reply, in which I explain to him what I consider the action of the port authorities should have been, and which, I trust, will have your Lordship's approval.

It seems to me, my Lord, most important that some immediate action should be taken in the interest of all commercial interests to come to an understanding with the Peruvian Government how far, and under what conditions, they can be allowed to claim jurisdiction over acts committed on board British vessels, to remedy what I must term, in the present instance, an abuse of power—an abuse which has been the cause of a grievous injustice to a British subject.

The whole action of the authorities in Callao appears to have been arbitrary in the extreme. If information had been sought, either from Her Majesty's Consul, from the Pacific Steam Navigation Company, or from the commander of the *Santiago*, the whole matter could have been made clear in half-an-hour; and the man not subjected to unjust imprisonment, and it must be borne in mind that simple imprisonment in Peru is no light punishment. Even the best of prisons in this country fall far below anything you can conceive in England. It must be seen to realize the amount of degradation put upon a man. Higginson was imprisoned in the common felons' ward together with a number of the lowest kind of malefactors, he had no bed or bedding allowed him, no privacy, and his prison diet was of the lowest description. Some remedy should be put to this. I think it very desirable that your Lordship should instruct me to inform the Peruvian Government that Her Majesty's Government cannot consent that any of Her Majesty's subjects should be taken out of British vessels and imprisoned on a simple accusation and without any reference to Her Majesty's Consular officers: a report should be made to the Consul of the charge preferred, he then, in conjunction with the Captain of the Port, should inquire into the matter, and they should decide whether the complaint is of so serious a nature as to justify imprisonment and to being brought before the Law Courts of the country, and it should distinctly be made clear that some department of the prison should be set apart when Her Majesty's subjects are ordered on trial for their accommodation.

My despatches on this subject became public before any decision was arrived at, and furnished subject of bitter comment for all the

newspapers of this city. I feel, however, my Lord, that in the discharge of my duties I could not do otherwise than remonstrate strongly against the proceedings; as long as I have the honour to remain in charge of this Legation I will never willingly consent to any abuse of power as far as Her Majesty's subjects are concerned.

I have, &c.,

The Earl of Derby.

G. H. NUGENT.

(*Inclosure 1.*)—*Mr. Nugent to Señor Aguero.*

EXCELLENCY,

Lima, July 20, 1874.

I REGRET that it is again my painful duty to call your Excellency's attention to another case of what appears to be a flagrant attack on the part of the authorities of Callao against the liberty of Laurence Higginson, a British subject, for some time a butcher on board the steam-ship *Santiago*.

Higginson was taken out of the *Santiago* on the 18th instant, under an order from the Captain of the Port, which is as follows:—

“The Captain of the steamer *Santiago* will at once send in the official boat of this Captaincy the butcher of his ship.

“*Callao, July 18, 1874.*”

“HESCILIE CABREZES.”

He was sent on shore as required, and immediately cast into prison. The case being brought to the cognizance of Her Majesty's Consul, he at once went to the Captain of the Port's office to inquire into the circumstances which led to the imprisonment; he was informed by the Captain of the Port that the man had been taken out of the ship by order of the head of the police, and on calling on the head of the police this authority stated that the man had been taken out by order of the Captain of the Port.

Failing to obtain from either authority any information, the Consul addressed an official note to the Captain of the Port, and brought the matter before me.

The facts of the case, as they appear from declarations taken on oath on board the steam-ship *Santiago*, are as follows:—

On the 15th of June last past, the *Santiago* then at anchor in the Bay of Panama, a deck-trader came on board with articles for sale; amongst these were two revolvers, which were examined by several of the crew and passed from hand to hand, all being ignorant that any of the barrels were loaded; whilst in the hands of Laurence Higginson the pistol accidentally went off, and the ball unfortunately struck a Chilean, of the name of Santana, in the back. A doctor was immediately sent for, and, the wound being considered to be sufficiently serious to require treatment on shore, he was sent to the hospital, all his expenses being paid by the Company, as also his wages; and on the *Santiago's* last voyage to Panama, the man

was reported sufficiently well to join his ship, and was again received on board. On arrival at Callao he appears to have brought a charge against Laurence Higginson of an attempt to murder him.

Can anything on the face of it be more improbable or less worthy of credit? The Pacific Steam Navigation Company would at once in such a case have handed over the delinquent to the authorities in Panama, and they certainly, even under the remotest suspicions, would never have consented to take the two men in the same ship.

The authorities at Panama appear to have been perfectly satisfied that the accident took place as stated upon oath in the declarations.

Yet a misfortune which occurred in the Bay of Panama on the 15th of June is considered by the authorities of another Republic sufficient to warrant them in taking a British subject out of a British vessel.

I may be pardoned in asking your Excellency where to and to how far do the Captain of the Port and Intendant of Callao, as both appear to decline to take the onus of the proceedings, suppose their jurisdiction to extend?

Their action is so unwarrantable, and, if persisted in, must lead to such serious results, that I must beg your Excellency to use the whole weight of your Government to insist upon the prisoner being immediately set at liberty and returned to his ship.

I have, &c.,

Señor Aguero.

G. H. NUGENT.

(*Inclosure 2.*)—*Señor Aguero to Mr. Nugent.*

(Translation.)

Lima, July 21, 1874.

As soon as I received your note of yesterday's date, having reference to the imprisonment of Higginson, butcher of the steamship *Santiago*, I sent the necessary instructions to the Prefect and Captain of the Port of Callao that he should be placed at liberty, since judicial action had not been taken, besides which it had not been made known by whom the order of imprisonment had been authorized.

I have, &c.,

G. H. Nugent, Esq.

J. DE LA RIVA AGUERO.

(*Inclosure 3.*)—*Mr. Nugent to Señor Aguero.*

EXCELLENCY,

Lima, July 23, 1874.

I HAVE the honour to acknowledge your Excellency's despatch of the 21st instant, respecting the steps your Excellency was good enough to take towards forwarding the release of Laurence Higginson from prison.

The case I found, when in Callao this morning, had been passed to the judicial authorities; but as, in addition to the statements I furnished to your Excellency in my despatch of the 20th on this

matter, I learnt that the Chilean Consul at Panama had also investigated into it, and as all these documents were to be laid before the Judge, I entertain, I trust, a well-grounded belief that Higginson is already at large.

Excellency, it is to be regretted that the hasty and injudicious action of the authorities at Callao should have given rise to the false imprisonment of a British subject, and his detention for 5 days in the common felons' cell in the Callao prison. This must be a matter most displeasing to Her Majesty's Government.

If I might venture to offer an opinion to prevent the occurrence of similar cases to the one I now have to lament, it is that the Peruvian port authorities should be instructed to inquire into the justice of the complaints brought before them of crimes or accidents committed on board British vessels through the proper channel, Her Majesty's Consul at Callao, who is fully instructed and commanded by Her Majesty's Government to administer justice in all such cases, and also, I feel assured, will be most anxious and desirous to give full information to the Peruvian authorities.

I have, &c.,

G. H. NUGENT.

Señor Aguero.

No. 9.—Mr. Nugent to the Earl of Derby.—(Received August 28.)
 MY LORD, *Lima, July 27, 1874.*

I HAVE the honour to acknowledge your Lordship's telegram of the 23rd of June, respecting the case of Bell and Sterling, which was received by me on the 20th instant.

I did not reply to it by telegram, as my despatch of the 27th of June would have been received by your Lordship before my telegram could possibly reach.

Your Lordship will have gathered from that despatch that, as soon as possible after taking charge of the Legation, I had given this case my professional attention, and that my efforts had been so far successful as to induce the removal of all the prisoners in Machucana from their pestilential dungeon to a more wholesome prison in this city.

I may add here, that the Government have carried out their promise of closing up the excavation.

On receipt of your Lordship's telegram I immediately sought an interview with the Minister for Foreign Affairs, showed him your Lordship's telegram, as I hoped by so doing to urge him to more stringent action, and asked for some definite information which I might communicate to your Lordship by the French mail leaving on the 21st.

The Minister hoped to be able to do this, but that hope was not

realized. I kept a messenger waiting at the Foreign Office till late in the evening, as I was most anxious to receive some information.

Unable to obtain any information, I immediately addressed a despatch to the Minister, of which I have the honour to transmit copy under this cover, as also translation of his Excellency's reply; and I regret to say that up to this date I have not received any further communication from the Minister in the matter. I have since had an interview with him, but it did not lead to any result. In fact, last Wednesday evening I was at the President's levée, when the Minister sought me, and we had a very warm discussion on this and other cases to which I have deemed it my duty to call the serious attention of the Government; and I could not disguise from the Minister that the maladministration of justice must be a matter of serious concern to Her Majesty's Government.

From to-day the national holidays commence; and there will be no chance of my being able to induce action in this matter till early in August, when I purpose sending in a strong remonstrance; and I shall demand that I myself, or my deputy, should be present when the cause is again brought for trial.

I believe there is no doubt, as stated in my despatch to the Minister for Foreign Affairs, that the Judge Caceres had pronounced sentence on the boys on the date therein stated; and I can conceive nothing more infamous than such sentence on his part. I am informed that a new Judge has been appointed to "understand" in the cause, without reference to Judge Caceres' sentence.

The Minister, in reply to my despatch, as your Lordship will observe, does not give me any information as to what has been done, and how the cause is proceeding; and I cannot disguise from your Lordship that I am not by any means satisfied with the way this subject has been treated by the Peruvian Government to assist in securing the proper administration of justice. I shall wait your Lordship's instructions for what further action I should take in this matter, beyond watching the case, as it is my intention to do.

I would venture to suggest, my Lord, and I believe my suggestion can be sustained by international law, that it should be required of the Peruvian Government to prevent the recurrence of the vexatious detentions and the inhuman and barbarous treatment of which Bell and Sterling have been the victims; and from what I am given to believe, on the merest suspicion, that whenever any suits are brought against British subjects, who are not in a position to procure for themselves legal assistance, to obtain a fair hearing and redress for wrongs inflicted, that notice should be given to Her Majesty's Legation, or to any of Her Majesty's Consuls, as the case may be, of such intended criminal proceedings, the grounds on which they are considered necessary, and the attendance of such

British officer, or the representative he may appoint, should be invited by the Court in which such trial is to be held.

I have, &c.,

The Earl of Derby.

G. H. NUGENT.

(*Inclosure.*)—*Mr. Nugent to Señor Agüero.*

EXCELLENCY,

Lima, July 21, 1874.

I HAD the honour yesterday personally to present, for your Excellency's information, a telegram I had received that morning from the Earl of Derby, in which his Lordship instructed me to press strongly on your Excellency's Government for the immediate conclusion of the long-pending case of Bell and Sterling, and, if not concluded, to ask for their liberation on bail.

Your Excellency held out a hope that you might be able to give me some definite information yesterday evening, and I regret that I learnt nothing to enable me to place the case before Her Majesty's Government in a more favourable light than, unfortunately, I have hitherto been enabled to do.

As I mentioned to your Excellency yesterday, I had heard that the Judge Caceres had, on the 15th instant, sentenced Bell and Sterling to 6 years' penal servitude. This was confirmed by Bell and Sterling in a letter dated the 16th, in which they prayed my interference in their truly lamentable condition. I at once instructed a lawyer to look into the case, but as yet I have not received any information from him, which makes me venture to hope the assertion of the prisoners, from their ignorance of the language, is erroneous, as it is almost too incredible for belief that a Judge who was suspended on the 20th of June by the Minister of Justice, who the Supreme Court of the country on the 23rd of June decreed should be submitted to a criminal trial, should dare to profane the altar of justice by attempting to minister to it. The whole newspapers of the country teem with accusations against this ex-functionary, and it is not necessary for me to reproduce any of them here.

As the national holidays are rapidly approaching, it is most desirable I should obtain some correct information of how this case stands, and I now urgently beg your Excellency to let me know in what state the case now presents itself, and that your Excellency would order to be furnished to me a copy of the legal proceedings, that I may carefully examine into them, and report on them to Her Majesty's Government.

I have, &c.,

Señor Agüero.

G. H. NUGENT.

No. 11.—Mr. Nugent to the Earl of Derby.—(Recd. September 14.)

MY LORD,

Lima, August 10, 1874.

IN my despatch of the 27th of July I had to call your Lord-

ship's attention to the imprisonment, on the 18th of July, of Laurence Higginson, a British subject, the steps taken by me on his behalf, and his release on the 24th of July.

As soon as the national holidays had run their course, I again addressed the Foreign Minister on the subject, copy of which I have the honour to inclose, suggesting that the money disbursed by Her Majesty's Consul at Callao in the maintenance of Higginson, until the return of his ship, should be refunded to the Consulate, and that some small compensation should be awarded to Laurence Higginson for his unjustifiable imprisonment. To this despatch I have not received any written reply, but its subject has been the matter of two conversations I had with the Minister, in which I sought to convince him of the unadvisability of the matter being referred home to Her Majesty's Government in its present unsettled and, to me, very unsatisfactory state. The arguments I was able to adduce were of no avail, the Minister refusing in the most positive terms any responsibility on the part of the Government; and I have no other resource but to refer the matter for your Lordship's decision, conveying my opinion that the man is entitled to compensation, and that the Peruvian Government should be made to feel that Her Majesty's Government will not allow their authorities to indulge in such high-handed measures with impunity.

In my despatch of the 27th of July I ventured to suggest to your Lordship certain requirements to be complied with by the Peruvian authorities to prevent the recurrence of similar abuses of power. Since that despatch was written the Peru-Bolivian Consular Convention has been published in the "*Peruano*," the official journal, of which I have the honour to inclose a copy; and as the Articles XVI and XVIII of this Convention to a great extent bear out the views I submitted to your Lordship, I have the honour to inclose translation of the same. It only remains for me to add that, looking to the important interests concerned, the prejudices occasioned, and the integrity of the British flag, I consider that a determined stand should be taken in the arrangement of this matter on a more satisfactory basis than that on which it at present appears to rest.

I have, &c.,

The Earl of Derby.

G. H. NUGENT.

(*Inclosure 1.*)—*Mr. Nugent to Señor Aguero.*

EXCELLENCY,

Lima, August 1, 1874.

I HAVE refrained from intruding on your Excellency's attention during the national holidays to again lay before you the case of Laurence Higginson, the butcher of the *Santiago* who was taken out of his ship by order of the Port Captain at Callao, and after 8 days' confinement in the common cell of the Callao prison was

released under judicial order, the Judge finding, as I had ventured to suggest when I first addressed your Excellency on this subject, that he, the Judge, had no jurisdiction in the matter.

With his release Laurence Higginson was left destitute in the streets of Callao, and until his vessel returns to that port he has to be provided for by Her Majesty's Consul. Now as his arrest and incarceration had their origin in what appears to have been a mistake on the part of the authorities of Callao, I beg to suggest to your Excellency that the expenses incurred since Laurence Higginson's liberation should be refunded to Her Majesty's Consul, that they may not appear in his accounts with Her Majesty's Government, and that some small compensation be made to Laurence Higginson for his arrest and imprisonment.

It appears to me that thus the ends of justice will be obtained, and a disagreeable question satisfactorily and worthily settled by your Excellency's Government.

I have, &c.,

Señor Aguera.

G. H. NUGENT.

(Inclosure 2.)—*Articles XVI and XVIII of the Treaty between Peru and Bolivia, signed at Lima, July 26, 1870. (Ratified in Lima, January 17, 1873; exchanged in La Paz, July 14, 1873.)*

(Translation.)

ART. XVI. The Consuls-General, Consuls, Vice-Consuls, or Consular Agents can communicate, either personally or by deputy, with their national vessels duly entered, to question the captains and the crews, to examine the sea papers, to take declarations on the voyage and the occurrences during it, to make out the manifests, and to facilitate the despatch of the vessel. They can also accompany the captains and members of the crew before the tribunals and administrative offices of the nation, to serve as interpreters and agents in the business which they have to understand or the demands which they have to bring forward.

The respective local authorities will give advice to the Consuls that they may be present at the declarations which the captains and the crews may have to make before the tribunals and local offices, in order to avoid any mistake or bad understanding which might prejudice the good administration of justice.

The communication which for this purpose shall be addressed to the Consuls will fix the exact hour, and if they should neglect to appear either personally or by deputy the proceedings will be carried on in their default, and proceedings shall also be conducted in their absence always in such declarations as should not be given before others than the legal authorities.

ART. XVIII. In all concerning the police of the ports, to the loading and discharging of vessels, to the security of merchandize, goods and effects, to laws, statutes and local regulations, shall be observed :

The Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be exclusively encharged to maintain internal discipline on board the merchant-vessels of their nation, and by themselves only shall understand in questions of whatever kind which may arise between the captains, the officers, and sailors, and more especially in those relating to pay and to the fulfilment of contracts reciprocally undertaken.

The local authority will exclusively interfere when the disorders which may take place on board the ships are of such a nature as to disturb the tranquillity and public order on shore or afloat, or when a person of the nation, or not belonging to the crew, is found implicated in such disorders.

The crimes and transgressions classified and punished as such by the laws of the country committed on board the said vessels in territorial waters shall be of the exclusive competency of the local jurisdiction.

In all other cases the authorities of the nation shall limit themselves to lend protection and assistance to the Consuls and other Consular employés when by them required to arrest and imprison individuals entered on the roll of the crew, who, in their judgment, were to blame in the disorders pointed out.

The arrest on which this treats shall not exceed more than 48 hours.

No. 12.—*Mr. Nugent to the Earl of Derby.*—(*Recd. September 14.*)
(Extract.)

Lima, August 13, 1874.

I HAVE the honour to acknowledge your Lordship's despatch of the 23rd of June, transmitting correspondence with Mr. Charley, M.P., respecting the imprisonment of Bell and Sterling.

In my despatch of the 27th of July I acknowledged your Lordship's telegram, and acquainted your Lordship with what steps I had taken in the matter. It appears, as stated in that despatch, that the Judge Caceres had pronounced sentence after his suspension and after being submitted to a criminal trial; against this, as your Lordship is aware, I protested. As yet the Minister has not furnished me with minutes of the proceedings; I, however, succeeded in obtaining the original documents yesterday through a lawyer, to whom I have entrusted the case; he has appealed against the sentence and brought the cause to a Superior Court. I shall thus reopen the trial again, and obtain for it, I trust, a fair hearing.

In criminal procedure in this country everything is done in

writing; the parties are not confronted one with the other till all the declarations are taken; when sentence is about to be pronounced, the accused are allowed on demand to be confronted with the witnesses who have declared against them. The proceedings in this case have swelled up into a large book, and as I could not retain it in my possession more than a few hours, I can only hazard an opinion on the immense amount of declarations and contradictory evidence.

The case, as I understand it at present, appears to be as follows:—

On the 11th July, 1873, a Greek in the employ of the Oroya Railway complained to a Mr. James B. Rowst, superintendent-overseer of the works on which he was employed, that a native in the employ, José Maria Robles, owed him a dollar. Rowst went to the house where Robles lodged to exact the payment; found him asleep; appears to have kicked him savagely, and made him pay two soles instead of the dollar he was owing. The Greek came in at the time; Robles reproached him with being the cause of his ill-treatment, and in terms reflecting strongly against Rowst. Rowst collared Robles with the intention of taking him to the authorities to have him put in irons; a scuffle ensued, blows were exchanged, and Robles stabbed Rowst, who immediately sought assistance from the gang of men under his charge. It is asserted a Scotchman of the name of Findlay G. Downie came to his assistance; they armed themselves and others. Meanwhile, the man Robles escaped and made for the hills. He was seen and pursued. Shots were fired at him by Rowst and Downie, but without taking effect. In a turn of the road Robles managed to secrete himself in a ditch. His hiding place was discovered—witnesses declare by Sterling; he was captured, beaten, and ill-treated, and dragged by Rowst and Downie to a bridge over the river, which appears to have been on the road to the prison where it was intended to confine him. From the bridge Robles jumped in, fell, or was thrown into the river. The evidence on this is very conflicting, but I rather incline to think he jumped in, as Rowst remained with a piece of the man's shirt in his hand by which he had seized him to prevent his escape.

Some 200 workmen of all nationalities had by this time assembled—Americans, English, Chileans, natives, and Chinese; they followed the man down the river, witnesses state, preventing him from landing, and throwing stones at him till, finally, he was drowned. Many witnesses state that Bell was armed with a sword bayonet, and struck him on the head with it, inflicting a severe wound; others assert that he was struck on the head by a large stone thrown by Sterling, when he was battling for his life, and that Sterling occasioned his death. The post-mortem examination showed that the man had received a wound in the head, but there

were no signs of a blow from a stone, such as stated to have been inflicted by Sterling; and, indeed, the confusion appears to have been such that it appears very unlikely that the stone could be traced to Sterling, and the post-mortem goes to show that no such blow was inflicted.

Information was lodged with the judge; Downie, Bell, and Sterling were arrested and cast into gaol. Rowst disappeared, and although sought for has not been apprehended. Downie, after a short imprisonment, escaped, and has not since been heard of. I have no doubt that the authorities connived at his disappearance. The boys were left to bear the consequences of the crime. As a crime undoubtedly was committed, it is terrible to think that in a camp of over 200 people, not one was found with sufficient humanity to interpose for the protection of the victim. The real authors appear to have been Rowst and Downie; the criminality of the boys was the same as that of the hundred others who assisted, joined in, and participated in the death-hunt.

The boys positively declare that they kept themselves aloof from all interference in the matter; and a witness declares that he offered the sword bayonet to Bell to arm himself with it, but that he would not take it.

When the Judge commenced taking the declarations, there was very little alleged to criminate Bell and Sterling; things went slowly on, and I doubt not the whole thing would have died out, as it appears for some time Bell and Sterling were out of prison; and it must be urged in favour of their innocence that being at large they made no efforts to leave the place, but rather sought to obtain damages for false imprisonment.

These pretensions being made known, they were again taken up under judicial order and again imprisoned. The case then appears to have taken up by Colonel Harris, who deserves credit for his efforts in the cause of humanity. Mr. Jerningham communicated with the Government; action was taken to push on matters, and it does appear to me with the intention of implicating Bell and Sterling, as all the telling declarations against them were not taken before January last, 6 months after the lamentable occurrence, and I must say I much doubt their veracity.

However, the matter is now in a fair way of being properly investigated, and I shall see, as far as is in my power, that justice is properly administered.

I have written this despatch very hurriedly, as I only received the documents yesterday evening on the understanding that I had to return them this morning before the Court opened, and I consequently beg your Lordship to pardon the many defects there may be in this despatch, my object being to make your Lordship acquainted

with the least possible delay of all that has taken place in this matter.

The Earl of Derby.

G. H. NUGENT.

No. 13.—*Mr. Nugent to the Earl of Derby.*—(Received September 14.)
MY LORD, *Lima, August 13, 1874.*

I HAVE the honour to call your Lordship's attention to the case of Captain Hall, commander of the Pacific Steam Navigation Company's steamer *Arequipa*, who, now some two months ago, was prevented leaving in command of his ship, on account of a complaint lodged against him by David Errock, the chief engineer of his steamer, whom he had suspended on account of drunkenness, which misdemeanour was taken cognizance of by a Naval Court, the charges were found proved against David Errock, and resulted in his dismissal from the Company's service. He then sought redress through the tribunals of the country; and in consequence of this action Captain Hall was detained in Callao.

I have now the honour to inclose copy of my despatch of the 17th of July to the Minister for Foreign Affairs on this matter, copy of my despatch of the 21st July on the same subject, and translations of the Minister's replies; and also copy of my despatch of the 23rd of July to the Minister on the same subject, in which I expressed a hope that by my personal intervention in the matter I had induced the Judge Rospigliosi to take cognizance, and that I looked for Captain Hall being allowed to join his ship.

The matter is so fully explained in my despatches to the Minister for Foreign Affairs, inclosures in this despatch, that it is unnecessary to trouble your Lordship with a repetition of their contents; I have only to regret that my hope that the Judge would take action in the matter was not realized, and, notwithstanding my most strenuous exertions, up to this evening, as I am advised by telegram from Her Majesty's Consul at Callao, nothing has been done in the matter.

Any more serious and injurious maladministration of justice, my Lord, it is impossible to conceive. I feel myself unable to do more than I have done till I am favoured with your Lordship's instructions; but it does seem to me that some strong action should be taken by Her Majesty's Government to exact compensation for wrongs inflicted, and to prevent the recurrence of similar acts by which great hardship is entailed upon, and much prejudice and pecuniary loss suffered by, Her Majesty's subjects.

I have, &c.,

The Earl of Derby.

G. H. NUGENT.

(Inclosure 1.)—*Mr. Nugent to Señor Agüero.*

EXCELLENCY,

Lima, July 17, 1874.

I HAVE to crave your serious attention to the following complaint, which has been laid before me by the Pacific Steam Navigation Company:—

It appears that when the Company's steamer *Arequipa* was at anchor in Malabrigo, and reported ready to leave that port, the chief engineer, David Errock, was found so intoxicated that he was not in a fit state to take charge of his engines. Captain Hall, the commander, ordered him to his cabin, and put the second engineer in charge. An altercation afterwards took place, the chief engineer refusing to obey the lawful commands of Captain Hall, using very abusive language, and the captain, to reduce him to obedience, was apparently more violent than necessary. It is not, however, easy to measure one's force where lawful commands are mutinously disobeyed.

On the *Arequipa's* arrival in Callao, the circumstances being brought to the notice of the Company's manager, he, as by law required, requested the Consul to investigate into the matter; and I finally instructed Captain Cookson, of Her Majesty's ship *Petrel*, to call a Naval Court, which is the tribunal established by English law, and which law rules in British merchant-vessels, to try all cases of misdemeanour, riotous conduct, insubordination, and other offences committed on board British vessels between British subjects. The Naval Court decided that David Errock had been drunk and guilty of wilful disobedience to the lawful commands of his Captain, and he was, in consequence of this sentence of the Court, dismissed from the Company's service, and, under the great provocation that it was shown Captain Hall had received, and of the imperative necessity of preserving discipline where the lives of so many were involved, the Court severely reprimanded him, but did not inflict any further penalty.

The ends of justice thus appeared to have been obtained. The engineer, however, sought redress through the tribunals of the country, trumping up a story that the commander had attempted to murder him, on which an embargo was placed on Captain Hall. He was not allowed to leave in his ship, and, at the last moment, the Company had to find another commander. Bail was offered by the Company, by Mr. West, and by Messrs. Bujee, Goree, and Co., all of which were refused by the Judge, and, as I have stated, the ship had to sail without her commander.

Dr. Isaac Sucro was then Judge; he has since been absent on leave, and the cause has passed into the hands of Dr. Ezequiel Rospigliosi, and by whom, on the bail being offered, the embargo on Captain Hall was removed, and he was allowed to sail in his ship to

Eten on the 2nd instant. However, some days afterwards, the same Judge decreed that the embargo was in full force, and, on Captain Hall's return, he was again prohibited from leaving, and up to the present time nothing further has been done to relieve him from the painful position in which he is placed, nor the Company from the great inconvenience and prejudice thereby caused to them.

I beg to call your Excellency's attention to the fact that Captain Hall and his witnesses were in attendance at the Court all last Monday, and till late on Tuesday, but no depositions were taken, Dr. Rospigliosi declining to interfere in the matter.

The Company then sought redress from the Prefect, but he was in Lima. The Sub-Prefect was then appealed to; he suggested taking the opinion of another Judge of First Instance, Dr. Don Uladislao Julio Rospigliosi. He appears to have been inclined to arrange matters; but, after much conversation, no decision was arrived at. All channels of a case of that urgency which required immediate attention were thus closed to Captain Hall and his employers. I ask your Excellency if such a state of affairs can be allowed to continue. If consented to, it would be the inevitable ruin of the whole native and foreign commercial interests of Peru. It would shake the nation's prosperity to its very foundation. At the instigation of any evil-disposed party, the whole of the passenger, commercial, and postal arrangements of the country under such a system can at once be paralyzed.

It is not always given to a Company to have another commander at their disposal, or to be willing to supply one; and, indeed, in the present instance, Captain Mills, of the *Pacific*, whose services were urgently required in his own ship, was obliged to take charge of the *Arequipa*, to the great prejudice and, perhaps, pecuniary loss of the Company.

It would appear that Her Majesty's laws for the due administration of justice in all offences committed on board Her Majesty's mercantile marine between British subjects should be sufficient to meet all cases of insubordination, mutinous conduct, and assault; there can certainly be no doubt that it has always been so considered in Peru, and it would be very unwise that such wholesome custom should not continue to prevail.

I can assure your Excellency, from my own experience, embracing a period of 29 years in Her Majesty's Consular Service in Peru, that during this more than a quarter of a century my Consular right to adjudicate in such matters has never been called in question, and the willing assistance of the port authorities has always been lent me to make effective the punishments inflicted by our Naval Courts, such as imprisonment and fines; and I doubt not that such practice, so sanctioned by us once, is a wise one—difference of

language, customs, and laws rendering it impossible that the tribunals of the country can as speedily and satisfactorily arrange and adjudicate in offences committed by British subjects on board British vessels, besides involving litigant parties in legal expenses which such Naval Courts and Consular jurisdiction were intended to obviate.

Every disposition taken in Callao in this present case can hardly bear legal sifting. The misdemeanour was committed in Malabrigo, hence the Judge in Callao has no jurisdiction.

The crime, as complained of by the engineer, was an attempt to murder. This was met by an embargo; it should have been by an order of imprisonment, and the proper action, as the assault was declared to be committed afloat, was to bring it before the Captain of the Port, in whose hands are the whole police authority of the harbour, and it was for him to decide on the complaint; and if it was, in his opinion, of a sufficiently serious nature to warrant an imprisonment, that should have been ordered by him, and the prisoner by him placed at the disposal of the Judge.

By law the Judge is bound to commence taking the declarations within 24 hours, and he could then have decided whether the majesty of the law required that a criminal cause should be instituted, and not sacrifice the commander nor prejudice the Company and the public to such a ruinous extent, on the mere assertion of an unworthy servant, who was justly punished by dismissal for a fault, I may almost say a crime, as his drunken incapacity to attend to his engines might have caused the loss of all on board.

I would pray your Excellency to ordain that immediate orders be given to remove the embargo placed on Captain Hall; in no way can the ends of justice be advanced by the present procedure. Captain Hall is merely engaged in short voyages, and every 2 or 3 days, when required, he can be at the disposal of the Judge, and all, apparently, that the law requires of him is his own declaration, and that of his witnesses, and these he has been ready and most anxious to produce.

I feel it my duty to reserve the right to claim from the Peruvian Government a fair compensation for the losses he has sustained through his unjustifiable detention.

I have, &c.,

Señor Aguero.

G. H. NUGENT.

(Inclosure 2.)—*Mr. Nugent to Señor Aguero.*

EXCELLENCY,

Lima, July 21, 1874.

ON the 17th instant I had the honour to call your Excellency's attention to the case of Captain Hall of the *Arequipa*, his detention

on shore by the authorities, and that, when I wrote, neither his declarations nor that of his witnesses had been taken.

It is now nearly a month since Captain Hall was arrested under judicial orders.

On the 18th I had a personal interview with your Excellency to expose the extreme state of mental depression brought upon Captain Hall by his harassing position, under the extraordinary delays of the Law Courts. Your Excellency took immediate action in the matter, but I regret to say nothing came out of it. I now learn that, up to this afternoon, neither the declaration of Captain Hall nor of any of his witnesses has been taken. May I ask your Excellency how long is this cruel delay to be allowed to continue? How long are the obligations of the judicial authorities to be by themselves set at defiance?

I beg to inform your Excellency that the *Arequipa*, the steamer of which Captain Hall is the commander, sails on the 23rd, and I trust that your Excellency will use your most strenuous exertions that this untoward case may be so far arranged as to allow of Captain Hall taking command of his vessel on Thursday next.

A matter which appeared of easy arrangement has now assumed proportions of a most disagreeable character, and I would regret if these should become still more complicated through the continued inaction of the judicial authorities. I have, &c.,

Señor Aguero.

G. H. NUGENT.

(Inclosure 3.)—*Señor Aguero to Mr. Nugent.*

(Translation.)

Lima, July 20, 1874.

ON the 18th your note of the 17th was received in this office, having reference to the complaints brought before the Legation by the Pacific Steam Navigation Company, on account of the arrest of Captain Hall, of the steamer *Arequipa*, by an order of the Judge of First Instance in Callao, on account of a charge brought against him by David Errock, late engineer of the said ship.

I immediately addressed myself to my colleague the Minister of Justice, recommending him that, through the proper channel, he should make urgent instance; that, taking into account the prejudices occasioned to the Company through the detention of Captain Hall, the question should be decided with the least possible delay.

My reply would close with this if the last paragraph of your despatch did not require that I should dwell on its subject. You state that you reserve to yourself the right to claim from the Peruvian Government a just compensation for the losses Captain Hall has sustained on account of his detention. Without, on my part, entering on the justice or injustice of this measure, purely

judicial, you will allow me to observe that my Government cannot in any case accept the responsibility of an act which exclusively belongs to the tribunals of justice. The Judge of Callao, in ordering the detention of Captain Hall, has undoubtedly proceeded within the orbit of his attributions, and in conformity with the legal requisitions. If Mr. Hall believes he has a right to claim, he should make it against the opposite party, who is called upon to respond for the consequences of a calumnious accusation; and if he has reason to complain of the procedure of the Judge, he should proceed against him in the Superior Court, that the abuses may be remedied which have been committed to his detriment.

I take, &c.,

G. H. Nugent, Esq.

J. DE LA RIVA AGUERO.

(Inclosure 4.)—*Mr. Nugent to Señor Aguero.*

EXCELLENCY,

Lima, July 23, 1874.

I HAVE the honour to acknowledge your Excellency's despatches of the 20th and 22nd instant, having reference to the case of Captain Hall of the *Arequipa*, and I beg to thank your Excellency for the interest you have taken in this untoward case.

From what I can understand, the great detention has been occasioned by no Judge in Callao being willing to take cognizance in the cause.

The cause, I am assured, was initiated by Dr. Sucro, who, it appears, did take a declaration, after which he left his post on leave of absence. The cause then passed over to his Conjuez, Dr. Rospigliosi, who, at first, took cognizance in the cause, inasmuch as to remove the embargo on Captain Hall, and subsequently to re-enforce it. Since then he has steadily refused to understand in the matter, on the plea that Dr. Sucro was in Callao, and could act. Dr. Sucro, on application, was as steady in his refusal to do so, on the grounds that he was on leave of absence, whether in Callao or elsewhere, he stated, did not concern the Conjuez Rospigliosi, until he notified him by an Escrivano that he had re-assumed his duties. It thus appears that, on a private misunderstanding between these Judges, the whole business of the Court was suspended for many days, to Captain Hall's great pecuniary detriment and to the manifest deterioration of his health. I pass, without further comment upon this most disastrous dereliction on the part of one or other of the Judges, to that paragraph in your Excellency's despatch of the 20th conveying to me your Excellency's decisions to the right I reserved to claim from the Peruvian Government a fair indemnity for the losses and prejudices Captain Hall had sustained, under what I considered unjustifiable detention. To these must now be added a claim on account of shattered health. Your Excellency considers

that such claim should be made the matter of an action against the plaintiff. Under the circumstances as above detailed, I regret extremely that I cannot find any grounds on which to alter the opinion I conveyed to your Excellency in my note of the 18th; as, though it may be accepted as a fact that, in the first instance, the prejudice sustained by Captain Hall was due to the plaintiff, yet I think your Excellency will admit the long detention and the ill-health thereby brought upon him were due to the maladministration of justice, and that the Peruvian Government must be held responsible for the acts of its officials. This, however, is a matter I do not propose to press at present; I wait until I am furnished with the opinion and instructions of Her Majesty's Government.

As there was such an evident dead-lock in this unfortunate affair, I went down to Callao this morning to see if something could not be done to expedite matters, and I am glad to be able to inform your Excellency that the Judge Rospigliosi has agreed to take cognizance in the cause, and I have well-grounded reasons to hope that some satisfactory arrangement may be arrived at before the *Arequipa* sails this evening. I regret, however, to add that, under any circumstances, Captain Hall will not be able to proceed in his ship, as, when in Callao, I was presented with a medical certificate that, in his present state of health, it would not be prudent for him to take charge of his steamer.

I have, &c.,

Señor Aguero.

G. H. NUGENT.

(Inclosure 5.)—*Señor Aguero to Mr. Nugent.*

(Translation.)

Lima, July 24, 1874.

I HAVE had the honour to receive your despatch of yesterday's date, in which you have been pleased to inform me that, having gone down to Callao to inquire into the state of the cause brought against Captain Hall, you have good reasons for hoping that a satisfactory arrangement will be arrived at before the departure of the steamer the command of which is entrusted to Captain Hall.

I take, &c.,

G. H. Nugent, Esq.

J. DE LA RIVA AGUERO.

No. 17.—*The Earl of Derby to Mr. March.*

SIR,

Foreign Office, October 8, 1874.

I HAVE received Mr. Nugent's despatch of the 27th July, relative to the circumstances under which Mr. Laurence Higginson was taken out of the steamer *Santiago* in the Bay of Callao on the 10th of that month under an order from the Captain of the Port, and thrown into prison, where he was detained until the 24th.

I have also received Mr. Nugent's further despatch of the 10th ultimo upon the same subject.

These despatches have been referred to the Law Officers of the Crown, and I have now to acquaint you that Her Majesty's Government are of opinion that the conduct of the Peruvian authorities in their treatment of Mr. Higginson, as detailed in your despatch of the 27th July, and which does not appear to be denied by the Peruvian Minister in his note to you of the 21st July, was a gross outrage upon a British subject. I have, therefore, to instruct you to address a strong remonstrance to the Peruvian Government on the part of Her Majesty's Government on the subject, and to demand at the same time an immediate ample apology, as also full compensation for Mr. Higginson.

Her Majesty's Government observe that the note of the Peruvian Minister merely states that he had given orders for the release of Mr. Higginson, but in no way repudiates the charges made by you; though, from your despatch of the 10th ultimo, it would appear that the Minister had verbally denied the responsibility of his Government in the matter.

Until it is seen whether the Peruvian Government will refuse to comply with the demand which you are hereby instructed to make upon them, and, if so, on what grounds their refusal is based, it would be premature to consider the question of the further steps which in that event it may become necessary to take with a view of obtaining redress.

I am, &c.,

E. B. March, Esq.

DERBY.

No. 18.—The Earl of Derby to Mr. March.

SIR,

Foreign Office, October 10, 1874.

I HAVE had under my consideration, and have referred to the Law Officers of the Crown, Mr. Nugent's despatch of the 13th of August, relative to the detention at Callao of Captain Hall, of the Pacific Steam Navigation Company's steamer *Arequipa*, on a charge of attempting to murder David Errock, formerly chief engineer of his vessel.

I am advised that it appears from Mr. Nugent's despatch and its inclosures that the charge against Captain Hall was one of attempt to murder within the Peruvian territory, in which case the Peruvian tribunals would have jurisdiction, and Her Majesty's Government could not properly interfere.

I have, however, to instruct you to express strongly to the Peruvian Government the great regret of Her Majesty's Government at the delay that has taken place in dealing with the case, and the hardship which has thereby been caused to Captain Hall. You will point out that such an unjustifiable delay in the administration of justice, besides being in itself a wrong, cannot fail to have a most injurious effect upon the prosperity of Peru by discouraging foreign

trade with Peruvian ports, and the employment of foreign capital in that country.

I am, &c.,

E. B. March, Esq.

DERBY.

No. 20.—*Mr. March to the Earl of Derby.*—(Received November 14.)

MY LORD,

Lima, October 13, 1874.

I HAVE the honour to submit to your Lordship the following statement in regard to the case of Bell and Sterling, the two British subjects whose incarceration at Machueana, and since then at Lima, has formed the subject-matter of several previous communications.

Bell is a native of Liverpool, bordering on his 18th year; Sterling is a coloured man, born in Antigua, and aged 25. My predecessor in this Legation endeavoured to gain a reconsideration of the case by the local judicial authorities, and within the last few days I have succeeded in obtaining a verdict from the Superior Court. This verdict is, I regret to say, adverse to Bell and Sterling. It affirms their guilt, and sentences them, in the place of the previous judgment of 6 years, to an imprisonment of 15 years in the penitentiary. The evidence collected in this matter forms a bulky volume, and though I could only have access to it for a very short time I saw sufficient to impress me with its *ex parte* character. From all that I have heard on the subject, both from independent sources and from the accused themselves, and especially looking at all the surroundings of the case, I cannot but be of opinion that the heavy sentence passed upon Bell and Sterling is not warranted, and that the testimony upon which the judgment is based is not unimpeachable. The fact that the active steps which furnished apparent grounds for later proceedings were not taken against them until after they had begun to move for false imprisonment is in itself suspicious. Under these circumstances, and there being still a chance of these proceedings being quashed, I have lost no time in removing the matter from the Superior to the Supreme Court, the last appellate tribunal open to me, whilst at the same time I am making representations on the subject to the Peruvian Government, the result of which I will without delay report to your Lordship. In the meanwhile it may be well to inform your Lordship that Bell and Sterling, whose removal to the penitentiary I have for the present succeeded in preventing, do not appear to be suffering greater hardship than that which is entailed by loss of liberty and association with unclassified malefactors. On the last occasion of my visiting them I remarked a decided improvement in their appearance. Their food consists of soup, a reasonable supply of rice, some boiled meat and bread, which is given them twice a day. They are lodged in the hospital ward, a spacious airy room, on entering which I found no traces of vitiated atmosphere. The prisoners in this part of the

establishment fare somewhat better than the rest. I should perhaps here remark that Judge Caceres was never removed from his post, as stated in a previous communication from this Legation, and that notwithstanding the serious charges made against him he still continues in the discharge of his duties.

In addition to the case of Bell and Sterling others have come to my knowledge, which I have felt it my duty to urge upon the attention of the Peruvian Minister for Foreign Affairs. As they are still under consideration, I defer reporting further upon them at present.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 22.—Mr. March to the Earl of Derby.—(Received December 15.)

MY LORD,

Lima, November 2, 1874.

I HAVE the honour to report to your Lordship that, on the 29th ultimo, I received a despatch from the Peruvian Minister for Foreign Affairs, informing me that a ship called the *Talisman*, sailing under the British flag, had been engaged in acts of piracy in the port of Pacasmayo. The charges brought before her were,—carrying clandestinely arms and munitions of war, with the object of landing them in Peru and creating a disturbance; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and taking to sea as prisoners the Captain of the Port of Pacasmayo and several Custom-house officials; and opening fire upon a boat filled with national soldiers. In view of these charges, involving as they did serious infractions of the "Merchant Shipping Act, 1854,"* and having unfortunately reason to believe in their general correctness, I immediately conferred with the Commander of Her Majesty's ship *Fantôme*, which was at anchor in the port of Callao, and we decided that as soon as some reliable information could be obtained of the movements of the *Talisman*, the *Fantôme* should proceed in search of her, and ascertain if possible her nationality, and what breaches of the law she had committed. I then addressed a circular to the Consular officers in Peru, calling their attention to what had been alleged against the *Talisman*, and enjoining their special vigilance; whilst, at the same time, I placed myself in communication with the Legations at Santiago, Bogotá, and Quito, and reported the case to the Commander-in-chief of Her Majesty's Naval Forces in the Pacific.

The *Talisman* is described as a screw-steamer of 135 tons register, belonging to the port of Glasgow, commanded by one G. B. Haddock, and owned by Messrs. Moran, Galloway and Co., of Liverpool, from which port she is said to have taken her departure, with orders to touch at River Plate and Coronel. It was evidently

in Chile that the *Talisman* fitted out for her revolutionary enterprise, for at Quinteros she received on board the leaders of the movement and their band, consisting of some 47 men. Their plan appears to have been to create a revolution in some part of the north of Peru, whilst their confederates were doing the same in the south, and then marching on Lima, unite their forces in the capital. The attempt at Arequipa failed, as your Lordship is aware, though not before several lives had been lost; and the one in the north has been equally unsuccessful.

That the movements of the *Talisman* in Chilean waters were such as to excite suspicion is clear; for whilst at Coronel on the 12th of August last, on the way to my post, the *Talisman*, which was then in port, attracted my attention by the fact of her having been there a long time apparently idle, and the evident disinclination of the master to give any information as to his destination. I made a note of this circumstance, and on arriving at Valparaiso imparted my impressions to Her Majesty's Consul at that place. This being so, it is reasonable to suppose that others must have had their attention directed to the *Talisman*; indeed, the President of Peru and the Minister for Foreign Affairs have both assured me that they were perfectly acquainted with all her movements the moment she arrived in Chilean waters, and that it was in consequence of her departure from Caldera, and the certain information they had received of her destination, that the Government a short time back sent troops to Pacasmayo, and ordered the iron-clad *Independencia* to the same place. I am induced to refer to these matters in order to show your Lordship that this Government had ample time to prepare for the reception of the *Talisman*, and that not only did they not succeed in thwarting her movements, but actually failed in enforcing the law in one of their own harbours, and within almost reach of their most powerful ship-of-war.

The master, second mate, and 3 of the seamen of the *Talisman* were apprehended, and are now in custody. I will take care to watch whatever proceedings may be taken against these persons, and secure for them proper treatment and a fair trial.

This attempt to disturb the peace of the country has naturally given rise to much excitement, and the use of the British flag is most immoderately commented upon. From the correspondence which has taken place, a copy of which I have the honour to inclose, your Lordship will perceive that I confined my action to adopting the needful measures for inquiring into offences said to have been committed by a British ship, and expressing to the Peruvian Government the regret I naturally felt at the improper use alleged to have been made of the British flag. It is not improbable that the *Talisman*, at the time of her abduction of the Captain of the

Port of Pacasmayo, was in reality owned by the foreigners who were on board as leaders of the insurrectionary movement, and if so, her simulation of British nationality will render her subject to forfeiture under Section 103 of the "Merchant Shipping Act, 1854."

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure 1.)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, October 29, 1874.

REPORTS having reached me that a vessel hoisting the British flag has been engaged in acts constituting breaches of the law on this coast, I should feel obliged by your Excellency communicating to me any information on the subject which may be in possession of the Peruvian Government. The vessel's name appears to be the *Talisman*, and was last heard of at the port of Pacasmayo, on the 23rd instant.

I have, &c.,

Señor Aguero.

EDWARD MARCH.

(Inclosure 2.)—*Mr. March to Commander Long.*

SIR,

Lima, October 29, 1874.

ALTHOUGH the reports now circulating in regard to the wrongdoings of a vessel called the *Talisman*, said to be flying the British flag, have not been confirmed or brought to my notice by the Peruvian Government, they appear sufficiently consistent to demand the attention of the British Naval Authorities. I would, therefore, suggest the adoption of the measures we have already discussed, with the view of ascertaining, if possible, the whereabouts of the *Talisman*, and what breaches of the law, if any, she has committed. In the Mercantile Navy List the *Talisman* is described as a screw-steamer of 135 tons register, and belonging to the port of Glasgow. It is reported that the *Talisman* was last seen going south; but with the opportunities you have of acquiring information, and your knowledge as a seaman of the movements of vessels on this coast, you will be the best judge of the direction in which it may be desirable for you to proceed.

I am, &c.,

Commander Long.

EDWARD MARCH.

(Inclosure 3.)—*Commander Long to Mr. March.*

SIR,

Fantôme, Callao, October 29, 1874.

I HAVE the honour to acknowledge receipt of your letter of this day, relative to the proceedings of the steamer *Talisman*. I have made every inquiry concerning her movements, and can obtain no information other than conjecture as to her present position. As it is too late to prevent any attempt she might make to take coals from the Pacific Steam Navigation Company's hulk at Payta, I judge it

best to await the arrival of definite information, holding myself in readiness to proceed in search of her immediately any is obtained.

A copy of your letter, with all the information I can obtain, shall be forwarded to the Commander-in-Chief and to the Senior Officer on the coast of Chile by the earliest opportunity.

I have, &c.,

E. B. March, Esq.

S. LONG.

(*Inclosure 4.*)—*Señor Agüero to Mr. March.*

(Translation.)

Foreign Office, Lima, October 23, 1874.

I HAVE had the honour of receiving your estimable despatch of this date [*sic*] in which you are pleased to make known to me that, it having come to your knowledge that a ship with the British flag has committed on the coasts of the Republic acts contrary to the laws, you desire that I transmit to you all the information possessed by the Government in connection therewith.

Deferring to your just desires I proceed to set forth the facts as they have occurred, hoping that the Legation will take the steps it deems necessary in view of the most grave attempts committed by the said ship under the British flag and against the authorities and laws of the Republic, and with breach of the law of nations. The *Talisman* (for so the steamer in question is named) arrived some days ago at the coast of Chile, and was cleared at Talcahuano for Vancouver, with orders to touch at Callao, the cargo being described as machinery. But, on the 11th of the present month, she put into Quinteros, not a free port, a few leagues from Valparaiso, from which she sailed the same day, after taking on board all the individuals composing the expedition against Peru, and who, it appears, number 200 at the least. On the morning of the 15th the *Talisman* entered Caldera to take provisions and coal, declaring that she had only 6 passengers and the afore-mentioned cargo on board.

Cleared from that port for Vancouver, with orders to touch at Callao, the *Talisman* arrived at Pacasmayo on the 23rd at 2 A.M., where her captain, Haddock, the second mate, and 3 seamen disembarked in quest of the means which, they said, they required to repair damage to the machinery, which, they were informed, could be effected through the mechanics of the railway. But the suspicions of the authorities having been excited, the Captain of the Port ordered the detention of the said individuals, and, in order to make the due inquiries, he was removed on board, where he was taken prisoner by the conspirators, who, to this attempt, aggregated that of repelling by shots a boat manned by the public force sent shortly afterwards. In view of the attitude of the town of Pacasmayo and of the troops there sent, the conspirators found their project frustrated, and they weighed anchor at half-past 2 P.M.,

taking with them the maritime authority of the port, several employés of the Custom-house, and a boat of the Harbour Office.

Summing up, then, the facts noted, the *Talisman* has been guilty of the following crimes :—Clandestine conveyance of armament and articles of war, with the object of launching a crusade against Peru ; conveyance of the expeditionaries under the flag of a friendly nation ; falsification of the clearance of the ship and provision of false papers ; seizure of the Captain of the Port at the moment he was discharging his duties ; repulse by shots of the native force ; abduction of the marine authority and other public employés, and robbery of the boat of the Harbour Office.

As you see, there is a cumulation of acts of true piracy which place their authors outside the law. And the gravity of those acts rises at once if it is considered that they have been executed under the flag of a nation so respectable as England, and against a country which preserves with her the best friendly relations.

My Government, therefore, does not doubt that you, making yourself the interpreter of that of Her Majesty, and anticipating its orders, will hasten to communicate with its Consuls as well as with the British ships of war in the Pacific, in order that, wherever the steamer *Talisman* presents herself she be captured and her crew apprehended as guilty of crimes of piracy. By acceding to this suggestion you will give not only a proof of amity towards Peru and its Government, but also a mark of the respect merited from you by the international laws so outrageously conculcated by the authors of that Vandalic expedition. The English flag hoisted by the *Talisman* cannot but have been usurped, and that vessel has not, in reality, any nationality, for her original one she has lost through the crimes she has committed. “That want of nationality,” as Ortolan says in his “International Rules of the Diplomacy of the Sea,” “and the consequences of piracy which injure or might injure all navigators, constitute that crime a crime against the law of nations. On that account all navigators are authorized to detain pirates whose acts, whoever the authors may be, and wherever committed, fall under the jurisdiction of the tribunals of all estates.”

I take, &c.,

E. B. March, Esq.

J. DE LA RIVA AGUERO.

(Inclosure 5.)—Mr. March to Señor Aguero.

EXCELLENCY,

Lima, October 30, 1874.

I HAVE had the honour of receiving your Excellency's despatch dated, by mistake, the 23rd instant, bringing to my notice, in reply to the inquiry I ventured to address your Excellency yesterday, certain circumstances connected with a steamer called the *Talisman*, by which it would appear that this vessel, sailing under the British

flag, has been guilty of acts of piracy. I beg to thank your Excellency for placing me in possession of this information, and thus enabling me to shape and prosecute with vigour the measures I had already been led to adopt by the rumours which had indirectly reached me on the subject. It is a work of supererogation to convey to your Excellency my feelings of indignation and regret that the British flag should have been used in the commission of such outrages as are set forth in your Excellency's communication, and my Government will, I know, deplore that the perpetrators of such crimes, occurring, as these did, in a Peruvian port, should have escaped the action of the local authorities, and thus, for a time, evaded the punishment which offences of that nature merit. On the other hand, I beg to offer my sincere congratulations at the failure of what, from your Excellency's statement, appears to have been a revolutionary enterprise, and to express the hope that no such elements will again disturb the peace and security so necessary to the progress of a nation, and without which the immense resources of this favoured Republic can scarcely be developed. I have directed the attention of the senior British naval officer on this coast to the case of the *Talisman* sailing under the British flag, and I need scarcely say that no effort will be wanting on the part of Her Majesty's officers to arrest that vessel and inquire into the serious charges preferred against her. I may add that I have also placed myself in communication with my colleagues on the Pacific coast, and doubt not that the greatest supervision will be exercised by them in the matter. Unfortunately, at present we know nothing definite in regard to her movements, but it is to be hoped that the steamers due at Callao to-morrow may bring some information.

I avail, &c.,

Señor Aguero.

EDWARD MARCH.

(Inclosure 6.)—Mr. March to Consul Nugent.

SIR,

Lima, October 29, 1874.

As there is reason to believe that a vessel called the *Talisman*, hoisting the British flag, has been engaged in acts which would constitute grave violations of the law, I have to request that in the event of your becoming acquainted with the movements of that ship, or learning any particulars concerning her, you will lose no time in communicating the same to this Legation, imparting at the same time such information as you can properly give to the local authorities.

I am, &c.,

G. H. Nugent, Esq.

EDWARD MARCH.

P.S.—Since writing the foregoing, the Peruvian Government have preferred the following charges against the *Talisman*:—Carry-

ing clandestinely arms and munitions of war, with the view of creating a disturbance in Peru; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and making a prisoner of the Captain of the Port of Pacasmayo, and armed resistance to the local authorities. Should the *Talisman*, therefore, come within your jurisdiction, you will of course inquire into these charges, and adopt the necessary measures for the vindication of the law.

E. M.

[Similar despatches were also addressed to Her Majesty's Consular officers at Islay, Iquique, San José Lambayeque, Pisagua, and Cerro de Pasco.]

(Inclosure 7.)—*Mr. March to Commander Long.*

SIR,

Lima, October 30, 1874.

SINCE writing to you yesterday I have received a communication from the Peruvian Government, informing me that the *Talisman*, sailing under the British flag, has been guilty of acts of piracy in the port of Pacasmayo. The charges preferred against her are: carrying clandestinely arms and ammunition of war, with the view of creating a disturbance in Peru; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and making a prisoner of the Captain of the Port of Pacasmayo, and armed resistance to the local authorities.

In reply, I have informed the Peruvian Government that every effort will be made by Her Majesty's officers to arrest that vessel, should she be found, and inquire into the breaches of the law which she is alleged to have committed. The bare fact of her flying the British flag, and being without proper papers, as I have reason to believe she is, will give you sufficient grounds to act in the sense above indicated.

I am unable to learn from the Peruvian Government or other sources the whereabouts of the *Talisman*, and it will be a matter for your consideration to decide how far you will be justified in proceeding to sea under such circumstances.

I am, &c.,

Commander Long.

EDWARD MARCH.

(Inclosure 8.)—*Mr. March to Mr. Rumbold.*

SIR,

Lima, October 31, 1874.

I HAVE the honour to draw your attention to the circumstances connected with a steamer called the *Talisman*, hoisting the British flag, which appears to have been engaged in practices constituting grave breaches of the law. The following charges have been pre-

ferred against the *Talisman* by the Peruvian Government: carrying clandestinely arms and ammunition of war, with the view of creating a disturbance in Peru; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and making prisoner of the Captain of the Port of Pacasmayo on the 23rd instant, and armed resistance to the local authorities. It would appear that the master of the *Talisman*, named Haddock, went ashore at Pacasmayo with a boat's crew, and was detained by the authorities, and that subsequently on some Peruvian soldiers approaching the vessel, in which were many passengers, said to be engaged in a revolutionary enterprize, they were fired upon and forced to return to the shore. The Captain of the Port, who had previously gone on board, was made prisoner and taken to sea. In the Mercantile Navy List the *Talisman* is described as a screw-steamer of 135 tons register, belonging to the port of Glasgow. I am informed by the Peruvian Government that she took in her cargo, alleged to be contraband of war, at ports in Chile, and that Caldera was the last place she sailed from. I may here remark that I saw the *Talisman* at Coronel on the 12th of August last, and that, observing her suspicious appearance, I made a note of the fact, and on my arrival at Valparaiso handed a written memorandum on the subject to Consul Drummond-Hay. I have communicated these facts to the several officers of Her Majesty's service on the Pacific coast, and in view of the *Talisman* having cleared from Chilean ports at which there are British Consular officers, I have deemed it right to place you also in possession of this information.

I have, &c.,

H. Rumbold, Esq.

EDWARD MARCH.

(Inclosure 9.)—Mr. March to Mr. Bunch, Her Majesty's Minister Resident at Bogotá.

SIR,

Lima, October 31, 1874.

I HAVE the honour to draw your attention to the circumstances connected with a steamer called the *Talisman* hoisting the British flag, which appears to have been engaged in practices constituting grave breaches of the law. The following charges have been preferred against the *Talisman* by the Peruvian Government: carrying clandestinely arms and munitions of war with the view of creating a disturbance in Peru; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and making a prisoner of the Captain of the Port of Pacasmayo on the 23rd instant, and armed resistance to the local authorities. It would appear that the master of the *Talisman*, named Haddock, went ashore at Pacasmayo with a boat's crew, and was detained by the authorities, and that subsequently on some Peruvian soldiers

approaching that vessel, in which there were many passengers said to be engaged in a revolutionary enterprize, they were fired upon and forced to return to the shore. The Captain of the Port, who had previously gone on board, was made prisoner and taken to sea. In the Mercantile Navy List the *Talisman* is described as a screw-steamer of 135 tons register, belonging to the port of Glasgow. I have communicated these facts to the several officers of Her Majesty's service on the Pacific coast, and as it is not unlikely that the *Talisman* will visit some port in Colombia, I have deemed it right to place you also in possession of this information.

I have, &c.,

R. Bunch, Esq.

EDWARD MARCH.

[A similar letter to the above was also addressed to the Minister Resident and Consul-General at Quito.]

(Inclosure 10.)—Mr. March to Rear-Admiral Cochrane.

SIR,

Lima, October 31, 1874.

I HAVE the honour to report, for your information, that I have received a despatch from the Peruvian Government, stating that a vessel called the *Talisman*, sailing under the British flag, has been committing acts of piracy in the port of Pacasmayo. The charges preferred against the *Talisman* are: carrying clandestinely arms and munitions of war, with the view of creating a disturbance in Peru; using the British flag for that purpose; falsification of the ship's papers and clearance; capturing and making a prisoner of the Captain of the Port of Pacasmayo on the 23rd instant, and armed resistance to the local authorities.

In view of the serious nature of these charges I lost no time in communicating with the Commander of Her Majesty's ship *Fantôme*, which had a day or two previously arrived at the port of Callao. In the absence of any definite information as to the movements of the *Talisman*, we decided to await the arrival of the mail-steamers from north and south, which were due in a few hours, in the hope that they would bring some news of the vessel in question, and thus enable Commander Long to act with some reasonable hope of success.

The case of the *Talisman* presents some points which I think should not be lost sight of. That she is, or was at the time of the alleged outrage, a British ship is, I fear, beyond doubt. She is described as a screw-steamer of 135 tons register, with a capacious saloon, and is said in the Mercantile Navy List to belong to Glasgow. The President has stated to me that from the time of the *Talisman's* arrival at Coronel in July, he had been kept well acquainted with her operations and designs. Thus you will perceive that the Peruvian

authorities had ample opportunity of learning the character and aims of the *Talisman* and her revolutionary projects; and that not only did they not succeed in thwarting her movements, but actually failed in enforcing the law whilst lying in a Peruvian port, within almost reach of one of their most powerful iron-clads, the *Independencia*. Much indignation has naturally been created here by this incident, and if the facts be correctly stated, as I fear they are, it is much to be regretted that, for the sake of gain, British subjects should be found engaged in furthering the designs of revolutionary parties and assisting the disturbers of the tranquillity of the country by covering their proceedings with the British flag.

I have communicated these facts to the several officers of Her Majesty's service on the Pacific coast, and, as it is not unlikely that the *Talisman* will visit some port north of Peru, I have deemed it right to place you also in possession of this information.

I have, &c.,

Rear-Admiral Cochrane.

EDWARD MARCH.

(Inclosure 11.)—*Señor Aguero to Mr. March.*

(Translation.)

Foreign Office, Lima, October 31, 1874.

I HAVE had the honour of receiving your very estimable despatch of yesterday, in which you are pleased to communicate to me that, in view of the offences committed under the English flag by the steamer *Talisman* in the port of Pacasmayo, you have called the attention of Her Britannic Majesty's Naval Command and of the Diplomatic Agents and Consuls in the Pacific, in order that they may not omit any effort to capture the said vessel for the acts of piracy of which those on board have made themselves guilty.

Very satisfactory to my Government is the frank and loyal conduct which, in view of this disagreeable affair, you have deemed proper to pursue, anticipating all foreign suggestion, and thus rendering due respect to the law of nations, which Her Britannic Majesty's Government has always been the first to proclaim.

In reiterating to you the most complete thanks in the name of my Government for the measures indicated, I have, &c.,

E. B. March, Esq.

J. DE LA RIVA AGUERO.

No. 23.—*Mr. March to the Earl of Derby.*—(Received December 15.)

MY LORD,

Lima, November 9, 1874.

IN continuation of my despatch of the 2nd instant I have the honour to report to your Lordship that the *Talisman*, engaged in a revolutionary expedition on the coast of Peru, has been captured by the Peruvian ship-of-war *Huascar*, and brought to Callao for adjudication.

It appears that, on the night of the 1st instant, the *Talisman*

entered the port of Pacocha and landed Señor Piérولا, the leader of the insurrectionary movement, and some 60 of his followers. The troops stationed there, about 20 in number, were taken by surprise and quickly overpowered. The insurgents then commenced discharging the arms and munitions of war composing the cargo of the *Talisman*, but, before this operation could be completed, the *Huascar* hove in sight and made a prize of the vessel. Piérولا and his band then seized the material of the railway station and started for Moquegua, where it seems they have established themselves. None of the party have been taken, and only the crew of the *Talisman* are prisoners. The documents found on board have not yet reached the Commandant-General of Marine at Callao, but on his receiving them I shall be in a position to ascertain by what right that vessel was flying the British flag, the number and names of the crew, their nationality, and other circumstances connected with the expedition. I will also be watchful of the interests of such British subjects as may be involved in the proceedings about to be instituted in the matter by the Peruvian Government.

It is said that the *Talisman* cleared from Cardiff with her warlike stores, and that during her several weeks' stay in River Plate none of the crew were permitted to land or hold communication with shore. It would thus appear that the expedition was a well-matured one, and that those on board were acquainted with its object and the risks they incurred.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 24.—Mr. March to the Earl of Derby.—(Received December 15.)

MY LORD,

Lima, November 11, 1874.

WITH reference to the despatch which I did myself the honour of addressing to your Lordship on the 13th ultimo, I now beg to state that the case of the two British subjects Bell and Sterling will shortly come on for hearing before the Supreme Court of Peru. The delay is caused by the desire of the Attorney-General to examine minutely the several points raised in a communication made by me to the Peruvian Government, a copy of which I have the honour to inclose.

From the tenor of my interviews with the Minister for Foreign Affairs and the Attorney-General, I have good reason to hope that the sentence passed upon Bell and Sterling will not be confirmed.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. March to Señor Agüero.*

EXCELLENCY,

Lima, October 19, 1874.

IT is with much regret that I find myself compelled to invite your Excellency's attention to the case of the two British subjects Bell and Sterling charged with being accessory to the death of a native of Peru, on the occasion of a dispute which occurred in a workman's camp at Challape, on the 8th of July, 1873. The heavy sentence of 15 years' imprisonment, which has just been pronounced against them, appears to have resulted from the case being presented to the Superior Court in such a form as to fill me with apprehension lest there should have been an unfortunate miscarriage of justice.

I therefore feel it my duty to offer, as I am sure it is your Excellency's desire to receive, the following statement, which will be found sufficiently important to bring about, if not the release of Bell and Sterling, at least a reconsideration of their case, with a view to their obtaining a fair trial, which, as I shall be able to prove to your Excellency, they have not yet had.

From a perusal of numerous documents, and the information I have gathered from various sources, it appears that on the 8th of July, 1873, a Greek, employed on the Oroya Railway, complained to James B. Rowe, superintendent overseer of the works, that a native of Peru, named José Maria Robles, owed him a dollar. Rowe went to the house where Robles lodged, a scuffle ensued, Rowe was stabbed, and Robles escaped to the hills. He was pursued by most of the workmen, who had by this time gathered in large numbers; and after a lengthened chase he was captured. Rowe then took him in charge, with the intention, it is said, of conducting him to the nearest magistrate; but whilst crossing the Rimac, the prisoner tore himself from Rowe's grasp and jumped into the river, leaving a piece of his shirt collar in Rowe's hand. In that part the river runs with great force over a bed of large boulders of granite. Robles swam well for some distance; but about 300 yards below the bridge he was drawn into some rapids and disappeared. Two days afterwards his body was found, with a wound in the head; and it was this circumstance that led to the apprehension of Findlay Downie, Joseph Sterling, Juan Borjia, and James Bell, and their imprisonment in the fearful place which served for the prison of Machucana. This painful incarceration continued from day to day, until January of this year, when Sterling was discharged from custody, with the remark from Judge Caceres that he did not think him guilty; and Bell was released on the simple assurance of another British subject that he would be responsible for his reappearance if necessary. This release in all probability saved the lives of Bell and Sterling, which had been seriously endangered by the privations and hardships

they had undergone in their protracted confinement. Fortunately for the Peruvian citizen Borjia, he had already been set at liberty; and Downie had, by some means or other, succeeded in gaining his freedom.

That nothing grave had, in these 6 months, been adduced against Bell and Sterling is evident, since both had been set at liberty. They therefore sought the protection of this Legation, and made a move with a view to obtaining some compensation from the Peruvian Government for the illegal imprisonment to which they considered they had been subjected. To leave the country had never suggested itself to them. On the contrary, after imparting their grievance to the British Minister, they returned to their work on the scene of the tragic occurrence—a circumstance worthy of notice as favourable to the assumption of their innocence. No sooner, however, had they done so than they were arbitrarily re-arrested, and again consigned to the prison at Machucana—a prison which your Excellency is aware was of so fearful a nature that it formed the subject of serious complaints at the time, and has since been closed, as unfit for the habitation of human beings. This was towards the end of last January, and about 6 months later, nearly one year after their first arrest, they were sentenced to 6 years' imprisonment, and removed to the hospital jail at Lima.

This sentence was passed upon them by a Judge against whom an action for the maladministration of his office was actually pending, by order of the Supreme Court of Peru, dated 23rd July, 1874. I abstain from commenting upon this extraordinary fact, feeling sure that your Excellency will not fail to appreciate its importance.

Thus far I have shown your Excellency that an unreasonably long time—nearly one year—transpired between the first apprehension of Bell and Sterling and their conviction, and that during the whole of that period, with the exception of a fortnight or so, they were confined in a place which I need not again describe; that Downie, who, in the opinion of the Judge, was certainly not less guilty than Bell and Sterling, was allowed to escape; that Borjia, a Peruvian citizen, had already been set free, and that it was only after having lodged a claim for damages for false imprisonment that Bell and Sterling, the latter of whom had undoubtedly been discharged as innocent, were re-arrested and finally sentenced by a Judge against whom the newspapers of the country were teeming with accusations, and who at the time was actually under the ban of the tribunals of his country. But this is not all. Bell, being a youth under 18 years of age, should have had a *curator ad litem* assigned to him during the trial. This provision of the law not having been complied with, the proceedings against him are, by Article 159, paragraph 3, of the “Código de Enjuiciamiento Penal,” null and void. This fact

was duly pointed out to the Superior Court by the prisoner's counsel, but its only effect appears to have been the discovery, in Bell's declaration, of an erasure and alteration in the word expressive of his age. (See Declaration of Bell in p. 13 of the proceedings.) From a very careful examination of this document, I feel convinced that the word thus altered was "diez-y-siete" (17). Again, Article 32 of the same Code enacts that, in cases in which an accused is ignorant of the Spanish language, his declaration shall be taken through an interpreter. This was not done in the case of Bell and Sterling, though they were both in that position.

It would further appear from independent testimony that only one or two witnesses were examined for the defence, although several had appeared before the Judge for that purpose.

Under these circumstances I must earnestly solicit a reconsideration of the case of these two British subjects and a speedy termination of the proceedings—proceedings which I think your Excellency will admit have already extended over an unreasonably long time and have been the cause of much unnecessary suffering.

I avail, &c.,

Señor Agüero.

EDWARD MARCH.

No. 28.—Mr. March to the Earl of Derby.—(Received December 30.)

MY LORD,

Lima, November 24, 1874.

I HAVE the honour to report to your Lordship that, in accordance with the instructions conveyed to me in your Lordship's despatch of the 8th ultimo, I addressed on the 18th instant a communication to the Peruvian Government, a copy of which I herewith inclose, remonstrating on the part of Her Majesty's Government on the conduct of the authorities in their treatment of Mr. Laurence Higginson, and demanding at the same time an immediate ample apology, as also full compensation for Mr. Higginson.

I have this day received a note from the Minister for Foreign Affairs, stating that in order to give me a reply he is about to obtain some information which he deems indispensable, when he will submit the case to the President and his Council. I have the honour to transmit a copy and translation of this note.

The President is now in the south engaged in quelling the revolution which has broken out in the country, and his Excellency's return to Lima is therefore uncertain.

Should my despatch not be further noticed after the lapse of a reasonable time I will reiterate the demand which your Lordship has instructed me to make upon the Peruvian Government.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure 1.)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, November 18, 1874.

ON the 20th of July last Her Majesty's Chargé d'Affaires in this capital had the honour of calling your Excellency's serious attention to the circumstances under which Mr. Laurence Higginson, a British subject, was taken out of the British steamer *Santiago* in the Bay of Callao by order of the port authorities and thrown into prison, where he was detained several days.

Your Excellency confined your reply to stating that directions had been given for the release of Mr. Higginson, and subsequently, upon further representations from this Legation, your Excellency, whilst not repudiating the charges they involved, denied verbally the responsibility of the Government in the matter, thus leaving Mr. Higginson without redress of any kind for the wrongful imprisonment he had suffered and the grievous injury done to him.

I have now, on the part of Her Majesty's Government, to remonstrate in the strongest manner against these proceedings. The conduct of the Peruvian authorities in summarily removing from a British ship and consigning to a felon's prison a member of the crew, who, besides being innocent, could not, under any view of the offence alleged against him, have been amenable to the jurisdiction of this country, and the general treatment he received, constitute, in the opinion of Her Majesty's Government, a gross outrage upon a British subject.

Under these circumstances, and acting upon the instructions I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, it becomes my imperative duty to demand, as I hereby do, an immediate ample apology from the Peruvian Government in this matter, and full compensation for Mr. Higginson.

Awaiting your Excellency's reply for transmission to Her Majesty's Government,
Señor Aguero.

I have, &c.,

EDWARD MARCH.

(Inclosure 2.)—*Señor Aguero to Mr. March.*

Ministry of Foreign Relations,

(Translation.)

Lima, November 20, 1874.

I HAVE had the honour of receiving your note of the 18th instant, referring to the proceedings adopted by the authority of the port of Callao in respect to the British subject, Laurence Higginson, who was removed from the English steamer *Santiago* in the latter part of July of the present year.

In order to give you a reply on the subject I am going to ask for information which I deem indispensable, and when this is obtained I will submit the affair to the deliberation of his Excellency the

President and his Council, which, as you are aware, cannot take place just now. I have, &c.,

E. B. March, Esq.

J. DE LA RIVA AGUERO.

No. 29.—Mr. March to the Earl of Derby.—(Rec. December 30.)

MY LORD,

Lima, November 27, 1874.

WITH reference to my despatch dated the 9th instant relative to the ship *Talisman*, I have now the honour to report that from a copy of the certificate of registry of that vessel, which has been furnished me by the Peruvian Government, I find that William Lang, Martin Orme, and Thomas Blackwood, are mentioned as the owners of the steamer in question, and that an indorsement dated "Custom-house, Glasgow, 5th May, 1874," certifies that George Barnes Haddock is master. Notwithstanding this certificate of British registry, which, as your Lordship may be aware, is not a document of title or the means of proving ownership, I am still of opinion that the *Talisman*, previous to her expedition, was the property of Pierola and his band. The *Talisman* cleared from Glasgow on the 6th of May last, and in the ship's articles the voyage is thus described: "Glasgow *via* Cardiff, Monte Video, or, if required, to any port or ports in South America, North or South Pacific, Australasian Colonies, Indian or China Seas, Mauritius or West Indies, British North America or States of America, until the ship returns to a final port of discharge on the Continent of Europe, or the United Kingdom, with liberty to call at any port for orders. Probable period of engagement two years."

From the Consular indorsements on the articles it appears the *Talisman* touched at Buenos Ayres, Coronel, Talcahuano, and Caldera. I have the honour to inclose Mr. Haddock's statement and a list of the crew. It is difficult to believe that the master was ignorant of the destination of the steamer under his command, or the purport of the warlike stores on board; and the same remark must, I fear, apply to the members of the crew, though not perhaps with so much force. These points will doubtless be elucidated in the course of the trial, which I will carefully watch. The master, second mate, and 3 seamen were first incarcerated at San Pedro, near Pacasmayo; but within the last few days they have been removed to the gaol at Callao, where also are confined the two engineers. I have visited the place of their imprisonment and find that the men are fairly well treated. No difficulty is thrown in the way of their communicating with the Consulate, and the authorities have hitherto attended promptly to every representation I have made to them on the subject. Most of the crew of the *Talisman* were on their apprehension confined in the ship-of-war *Huascar*; and as this vessel appeared to be cruising on the coast, I pointed out to the Peruvian Government the irregu-

larity of such indefinite detention. This has been attended to, and the men will, I am told, be at once forwarded to Callao.

In view of all the circumstances of this case, the apparent complicity of the master, and the outrages committed in Peruvian waters by those on board the *Talisman*—outrages which have led to the troubles now agitating the country—I have abstained from further interference than was absolutely necessary for the proper treatment of British subjects.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. Haddock to Mr. March.*

SIR, *Casa Matas, Callao, November 20, 1874.*

I BEG to embrace this the first opportunity I have had in addressing you relative to the voyage of the steam-ship *Talisman*.

We left Glasgow on or about the 5th of May last, and cleared out from that port for the River Plate *via* Cardiff, where I arrived about the 9th, and left on or about the 19th, having taken on board a supply of coal and about 1,000 packages of merchandize, arms, ammunition, clothing, &c., with instructions from the agents of the steamer, Messrs. Moran, Galloway, and Co., to proceed to the River Plate, and from there to the west coast of South America, calling at Coronel to take coal, and there await the instructions of Mr. Bulwer,* who, according to Messrs. Moran, Galloway, and Co.'s letter of instructions to me, was to have the absolute disposal of the ship and cargo when on this coast.

I remained at anchor in Coronel for a considerable time, and for the sake of getting water and provisions more conveniently I took the steamer round to Talcahuano on my own responsibility, advising Mr. Bulwer (who was in Valparaiso) of my movements. After remaining some days in Talcahuano I received orders from Mr. Bulwer, by letter, to proceed and clear ship for Vancouver Island, British Columbia, calling at St. Antonio. At St. Antonio I received orders from the same person to call at Quinteras, where I should receive some passengers. I arrived at Quinteras on or about the 11th ultimo, and embarked 49 passengers,† with their baggage. I took all my papers on shore at both places, but there was no official to receive them.‡ Mr. Bulwer was one of the passengers.

At Quinteras I was ordered by Mr. Bulwer to proceed on my voyage, calling at Caldera for coal and a further supply of provisions.

I arrived at Caldera on or about the 14th ultimo, and left the next day, having taken on board about 100 tons of coal and provisions necessary for the voyage, and proceeded on my course for Vancouver Island; and when nearly off the Island of San Lorenzo,

* The assumed name of one of the leaders of the insurgents (Bogardus).

† These proved to be the insurrectionary band.

‡ Because it was not a port of entry.

Mr. Bulwer ordered me to shape a course for Pacasmayo, as he wished to call there. I arrived at that port on the morning of the 23rd ultimo, at about 3 A.M., and anchored.

The Second Captain of the Port visited the steamer about 7 A.M. I showed him my clearance from Caldera, which he said was all right, but advised me to go on shore to see the Captain of the Port. I went with him on shore. I had orders to inquire if coal could be had; and I also took with me a drawing of a piece of brass which I was to get, if it could be made the same day. As soon as I arrived on shore I found I could not get coal, only wood, and that they could not make the brass in less than 3 days. I was also to see a friend of Mr. Bulwer's (I don't remember his name), whom I was to invite on board.

I then wished to return on board, and ordered a surf-boat to take me off; but after waiting some time I was informed that the Captain of the Port had ordered no boat to leave the beach. I then went to the mole to hail the steamer to send the boat, which they did, with the second officer and 3 sailors; and when I was in the act of going into my boat I was stopped by 4 men armed with revolvers. The Captain of the Port then came on the mole to me, and said he wanted to see my certificate, ship's register, ship's articles; so I told the second officer to go on board and get them, giving him all my keys. I was then ordered by the Captain of the Port to go with him to his house, and wait the return of the second officer with the papers mentioned.

The Captain of the Port left me and went on board, leaving me in charge of an officer and some soldiers. When in the house I heard some firing, like musketry or pistols going off. I asked the officer what it was, and he replied, "Quién sabe?" I then got up from a couch, and went to the door, when I saw a launch full of soldiers, about halfway from the shore to the steamer, coming towards the shore. A short time afterwards I was surrounded by soldiers and taken to prison. When I got there, to my surprise, I found the second officer and 3 men shackled by their legs to an iron bar, suffering very much from bruises they had received from the soldiers over their heads and backs when they were taken prisoners.

The next morning, 24th, we were removed to San Pedro, and there imprisoned in a filthy hole, where there were 6 criminals already, and we were not allowed even a mat to lay down on. I asked for a sheet of paper, pen, and ink, which I got, and wrote a letter to Captain Wilson, the Vice-Consul at Callao, the first and only person I could think of at the time. The next day I thought of writing to your Excellency, but was refused the means, an order having been given that neither pen, ink, nor paper were to be allowed, and that no person whatever, except the soldier on guard, was to be

admitted to the grating. I was very ill with diarrhœa, also the second officer and one of the men. I asked the soldier to send a doctor, but no heed was taken ; but I managed, through paying an exorbitant price, to get the turnkey to buy me a bottle of chlorodyne and a bottle of castor oil, which, I am happy to say, had the desired effect. We were 18 days without any supply from the authorities, and I had to buy water on several occasions from the soldiers, at the rate of 5 cents a bottle, and very bad water.

On the 2nd, 3rd, and 4th of this month I was taken to the Prefect's office to make a declaration through the medium of an interpreter, whose English I could not understand. The interrogator was a person dressed in the uniform of an officer in the Peruvian navy. His attitude and gestures were most threatening, showing me his revolver on several occasions. I was intimidated to sign this declaration, but I have no idea what was written.

I have been robbed of two boxes of wearing apparel and 50*l.* sterling, which was sent from the *Talisman* before she left the port of Pacasmayo. The men's clothes were sent on shore also, but they did not get them, although I made several inquiries about them after I left San Pedro.

On the 12th instant we were taken on board the *Chalaco*, and there kept close prisoners ; the second officer and myself were brought here on the 18th instant.

My papers were all in order up to the time they were taken from me at Pacasmayo, consisting of clearance from Caldera, ship's register and articles, my certificate, and clearance from Glasgow.

I am ready to answer any further questions which your Excellency may require to ask, and beg, &c.,

G. B. HADDOCK, *Master*,

E. B. March, Esq.

Steam-ship Talisman.

(Inclosure 2.)—*Particulars of Engagement of the Crew of the ship Talisman.*

No. 31.—Mr. March to the Earl of Derby.—(Rec. January 14, 1875.)

MY LORD,

Lima, December 4, 1874.

THE numerous and generally well-founded complaints which reach this Legation from British subjects who are kept in prison for indefinite periods without trial have necessitated my calling the attention of the Peruvian Government to the matter, with the view, if possible, of remedying so grievous a wrong. I have the honour to inclose a copy of my communication to the Peruvian Minister for Foreign Affairs.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, December 2, 1874.

I HAVE the honour to call your Excellency's attention to the frequency with which complaints are lodged at this Legation, setting forth the hardship and injustice inflicted upon British subjects by their long detention in prison without trial. I have carefully inquired into the truth of these complaints, and I regret to state that there appears no doubt of their accuracy.

In support of this view of the administration of justice in Peru, I have to point out that, on the 7th of October, or nearly two months ago, I did myself the honour of addressing your Excellency on the subject of the incarceration of James Jones and Charles Morris, and the only answer I have received is that their case has been referred to the Minister of Justice. Jones appears to have been in jail nearly 6 months and Morris 18 months, the former without trial and the latter unsentenced by any competent tribunal.

On the 24th of October I brought under your Excellency's notice the case of the murder of John McKellar by a native of Peru named Manuel Helmes under circumstances of great deliberation. The details, as communicated to your Excellency, went to show that, though the murderer had been arrested and lodged in jail, he, by some means unexplained, regained his liberty and thus mocked justice. This crime seems very clear; therefore the escape of the murderer reflects, to say the least, seriously upon the administration of the laws of this enlightened Republic and the authorities who dealt with the matter.

I next come to the case of Stephen Thomas, whose incarceration since the 15th of October in the prison of Lima I communicated to your Excellency on the 14th of November, requesting that I might be informed of the reason for such imprisonment. To that despatch I have received no reply.

I might also very justly remark here upon the case of Bell and Sterling, but I abstain from doing so on this occasion, further than to note the curious coincidence that the Peruvian Borjia, accused, conjointly with the British subjects Bell and Sterling, gained his liberty in the same way as his countryman Manuel Helmes, accused of the murder of McKellar.

It is a notorious fact that accused persons are thrown into prison and remain incarcerated for unreasonable periods without being afforded any opportunity of defending themselves, and unless this state of things be remedied I apprehend nothing but trouble and complications. It is intolerable that British subjects who have come into this country on the faith of a due consideration of their interests and safety from arbitrary proceedings should be cast into prison and left there indefinitely without trial or the means of being

heard in self-defence. The existence of such grave abuses cannot but lower confidence in the public institutions of Peru, so needful to the development of its resources and the progress of the country.

I have, &c.,

Señor Aguero.

EDWARD MARCH.

No. 32.—Mr. March to the Earl of Derby.—(Rec. Jan. 14, 1875.)

MY LORD,

Lima, December 4, 1874.

IN accordance with the instructions contained in your Lordship's despatch of October the 10th, I have addressed a communication to the Peruvian Government, expressing strongly the great regret of Her Majesty's Government at the delay that has taken place in dealing with the case of Captain Hall, of the Pacific Steam Navigation Company's steamer *Arequipa*, and the hardship which has thereby been caused to him. I have the honour to inclose a copy of my communication on the subject. I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure.)—Mr. March to Señor Aguero.

EXCELLENCY,

Lima, December 3, 1874.

THE grave injury inflicted upon Captain Hall of the *Arequipa*, by the delay in the administration of justice, as already brought under your Excellency's notice, is likely, if the proceedings be not immediately activated, to lead to his complete ruin. From one cause or another Captain Hall has been detained a prisoner at Callao for nearly 6 months, on what, judging from the inquiry held at the British Consulate, is a false and trivial charge, and prevented from performing his duty to the Pacific Steam Navigation Company, in whose service he is. Justice ought not to be retarded, least of all in a criminal case, where a man who is presumably innocent is detained under arrest at the instance of another who is confessedly acting in bad faith. If the Judge is too busy with other work to attend to the case, some one else should be appointed. It is much to be regretted that the state of the law in this country should be on such an unsatisfactory footing, and in the case of Captain Hall I am instructed by the Earl of Derby to express strongly to the Peruvian Government the great regret of Her Majesty's Government at the delays that have taken place in dealing with the matter and the hardship which has thereby been caused to Captain Hall. Such an unjustifiable delay in the administration of justice, besides being in itself a wrong, cannot fail to have a most injurious effect upon the prosperity of Peru, by discouraging foreign trade with Peruvian ports and the employment of foreign capital in this country.

I have, &c.,

Señor Aguero.

EDWARD MARCH.

No. 33.—Mr. March to the Earl of Derby.—(Rec. January 14, 1875.)

MY LORD,

Lima, December 11, 1874.

ON the 1st instant the case of Bell and Sterling came on for hearing before the Supreme Court of Peru. There were 7 Judges present, and I regret to inform your Lordship that the only modification in the sentence passed upon them by the lower Court has been to reduce the term of imprisonment from 15 to 9 years. I was present during the appeal, and the proceedings, so far as they transpired, seemed to be conducted with all the forms of justice. The Court found Bell and Sterling guilty of complicity in the death of Robles, and considering the manner in which the case had been presented by the prosecution, and the absence of proper supervision in the initiatory stage of the defence, it was open to them to come to that decision. It would, however, have been more in consonance with the spirit of justice, as understood in England, if, in view of the undoubted irregularities which had taken place in the course of the proceedings, the preponderating testimony thus obtained against the accused had been put aside and a new trial ordered. This course would have been particularly appropriate with a tribunal which admits of no appeal from its decisions. The finding has not yet been communicated to me, and as soon as this is done, which, I understand, will be in the course of a few days, it is my intention, since the laws of the country forbid any further recourse to law, to remonstrate with the Peruvian Government upon the imperfect trial, and urge upon them the propriety of their bringing the matter before Congress with the view of obtaining a remission of the sentence. My request will be based upon the following grounds, which I venture to hope are of sufficient importance to justify me with your Lordship in the step I propose taking, and which I think should not be delayed. They are:—

1. That Bell and Sterling had both been liberated after a detention of about 6 months in prison, during which time nothing was proved against them.

2. That Downie, who appears to have been one of the persons most implicated, had by some means been allowed to regain his freedom, as also the Peruvian Borjia.

3. That it was only after Bell and Sterling had lodged a claim for damages for false imprisonment that they were re-arrested, and active proceedings instituted against them.

4. That the Judge who acted in the matter was himself, at the time, under the ban of the tribunals of his country, and therefore quite unfit to exercise judicial functions.

5. That the deposition of Bell had been criminally tampered with by an erasure, without which he could not have been convicted.

6. That, being under 18 years of age, Bell should have had a

curator ad litem appointed to him in accordance with Article 159, paragraph 3, of the “Codigo de Enjuiciamiento Penal,” and that, by this omission, the proceedings against him are, by the express enactment of the law, null and void.

7. That both Bell and Sterling should have had the assistance of interpreters, according to Article 32 of the same Code.

8. And finally, that the Judge is asserted to have refused the evidence of some of the witnesses produced for the defence, and, by unduly protracting the case, to have caused the loss of that of others who had left the country.

Most of these points I had already touched upon in my communication to the Peruvian Government, a copy of which I had the honour of transmitting to your Lordship in my despatch of the 11th of November, and I much regret that the expectations I had formed from my conversations on the subject with the Attorney-General have been disappointed. It is true that the incidents of the erasure, liberation from prison, and escape of Downie and Borjia from custody, were commented on by the Court and orders given for the prosecution of the parties implicated in them; but I think your Lordship will be of opinion that the whole of the proceedings show sufficient irregularity, if not downright illegality, to warrant my calling the attention of the Peruvian Government in the sense already indicated.

Should the certificate of birth of Bell, for which I have applied to his father at Liverpool, prove him to be, as I believe, under 18 years of age, there is every hope he will obtain his release.

In my communications to the Peruvian Government I have not failed to point out that my action on behalf of imprisoned British subjects is inspired solely by the wish to obtain for them a faithful investigation of their respective cases, and the substance as well as the forms of justice.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 34.—Mr. March to the Earl of Derby.—(Rec. January 14, 1875.)

MY LORD,

Lima, December 12, 1874.

WITH reference to my despatches relative to the *Talisman* and her master and crew, I have the honour to report to your Lordship that that vessel has not yet been submitted to trial. In the absence of any information on the subject I addressed myself to the Peruvian Government in order to learn what steps, if any, had been taken in the matter. Shortly afterwards I saw by the papers that the *Talisman* had been despatched to sea on Government service, whereupon, deeming such a proceeding highly irregular, I again had recourse to the Peruvian Minister for Foreign Affairs. My com-

munication, a copy of which I have the honour to inclose, although acknowledged, was virtually left unanswered, since it omitted all allusion to the point upon which I had remonstrated. M. de la Riva Agüero confined his reply to stating that before legal proceedings could be instituted against the *Talisman*, it was necessary to procure certain evidence from the neighbouring Republic of Chile, and that this was the justifiable cause of delay. He did not refer to the despatch of the vessel to sea and the confiscation of the property on board.

On the other hand, it may be satisfactory to your Lordship to learn that my representations on behalf of the crew, a portion of whom had been removed to the *Talisman* to work her machinery, appear to be favourably regarded. But the result must remain uncertain.

The *Talisman* has since returned to Callao.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. March to Señor Agüero.*

EXCELLENCY,

Lima, December 3, 1874.

IT is announced in the public press that the *Talisman*, described by your Excellency as a British ship, captured by a Peruvian man-of-war whilst violating the laws of the country, and brought to Callao for the purpose of being submitted to trial, has been despatched by the Peruvian Government on a service connected with the revolution in the south. Further it is said that the merchandize found on board at the time of her seizure has been disposed of, and that some members of the crew who were in prison awaiting trial have been liberated and replaced on board for the purpose of navigating the ship.

In doing myself the honour of addressing your Excellency on this occasion, it will readily be believed that I am only prompted by an earnest desire of seeing justice properly administered. And, if the statements above made be correct, I venture to point out to your Excellency that serious irregularities have unfortunately taken place. The breaches of the law alleged against the *Talisman* and the circumstances by which the case is surrounded are not of a nature to induce me to interfere on her behalf beyond what is absolutely necessary to establish regularity in the proceedings and vindicate a principle far too important to be overlooked. A little consideration will, I think, make it manifest that the *Talisman* should not be appropriated and sent to sea under the Peruvian flag without having previously been declared a good prize by a properly constituted Court with all the formalities as well as the substance of

justice, nor could the merchandize found on board of her be rightfully confiscated until after due process of the law, and I have no notice that this has been done. The question, as it appears to stand, presents, in my opinion, a very serious aspect, and involves a clear deviation from those well-known and acknowledged principles of procedure applicable to such cases. Besides the points already referred to, your Excellency must be aware that the certificate of British nationality with which the *Talisman* was, according to your statement, furnished, remains uncanceled so long as a proper trial is withheld; and the curious anomaly thus becomes evident of that ship going to sea with a British character and hoisting the Peruvian flag. Such a state of things requires no comment, and I will only say that I leave the whole responsibility of this, as well as any other illegal proceedings, to those whom it may concern.

I cannot close this communication without expressing my satisfaction at the release of some of the crew of the *Talisman*, since it shows that the authorities have taken a lenient view of the case of a body of men notorious for their thoughtlessness and the facility with which they are led astray; and I sincerely trust that your Excellency will use your good offices in obtaining the same for the remaining prisoners.

I have, &c.,

Señor Agüero.

EDWARD MARCH.

No. 35.—Mr. March to the Earl of Derby.—(Rec. January 14, 1875.)

MY LORD,

Lima, December 14, 1874.

MORE than 3 weeks having elapsed since, in accordance with your Lordship's instructions, I demanded from the Peruvian Government an apology and full compensation for Mr. Higginson, and having received no reply, I have deemed it my duty to call the attention of the Peruvian Minister for Foreign Affairs to the subject in a communication of which I have the honour to inclose a copy.

I should inform your Lordship that on the 7th instant I unavoidably met in the street M. de la Riva Agüero, who, in courteously recognizing me, referred to the case of Mr. Higginson, and positively stated that he would reply to my despatch of the 18th ultimo in the course of the week. This, as already stated, he has not done. From his further observations it is apparent to me that the redress I have sought on the part of Her Majesty's Government will be refused on the plea that the Peruvian authorities were justified in the measures they adopted, since without them it could not be ascertained whether or not they had jurisdiction in the matter. I begged to decline arguing the point, and merely remarked that I attached no weight to a private intimation of this kind, and hoped that a just apprecia-

tion of the gravity of the subject would induce his Government to arrive at the only decision which appeared open to them.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, December 14, 1874.

IT is with regret I am compelled to call your Excellency's attention to the note which, by order of Her Majesty's Principal Secretary of State for Foreign Affairs, I did myself the honour of addressing your Excellency on the 18th of last month, but I feel that the redress due by the Government of Peru in the serious matter therein referred to should not be further delayed.

I have, &c.,

Señor Aguero.

EDWARD MARCH.

No. 44.—Mr. March to the Earl of Derby.—(Rec. January 28, 1875.)

MY LORD,

Lima, December 19, 1874.

ANTICIPATING the solicitude which Her Majesty's Government will, perhaps, feel in the condition of the master and crew of the *Talisman*, imprisoned in a country where places of confinement are notoriously faulty and the administration of the law is so irregular, I availed myself of the first opportunity after the departure of the last mail to visit the prison at Callao, and inquire fully how these men were lodged and treated. I had already done so on more than one occasion, but this was the first time I could see the whole of the crew since their landing from the Peruvian ship-of-war *Huascar*. I was received with every attention by the jail authorities, who allowed me to converse freely with the master and crew, and examine the part of the jail occupied by them.

The master, G. B. Haddock, I found in a room contiguous to the main building, but quite apart from the rest of the prisoners. He appeared somewhat dejected, but did not complain of anything. The men were in the common prison which, though not comparable to similar establishments in England, was not so bad as some I have seen in Spain and other parts of the world. They lamented the loss of their wearing apparel, which had been taken from them at the time of their capture, and the want of proper bedding. They declared they were ignorant of the filibustering expedition on which the *Talisman* was engaged, and that they had been misled. Four of the men had mattresses, the rest rugs and blankets, arranged upon an inclined boarding erected for a sleeping place, similar to what is seen in guard-rooms for soldiers. On leaving the prisoners, I called upon the Judge charged with the case, who was at much pains to

explain the delay in the beginning of the trial, which, he said, had been caused by the fact that the arrest had been made in different parts of Peru, and the absence of an efficient interpreter. He said that the proceedings had now commenced, and that, notwithstanding the immense amount of work thrown upon his hands by the late arrests in the revolutionary movements, he would give this case priority over all others. I then visited the Commandant-General of Marine, who, in expressing his willingness to do all he could for the prisoners' comfort, ordered, in my presence, the naval officer now in charge of the *Talisman* to send to the jail the mattresses I had requested. This order has been duly executed. During the interview a telegram arrived from the Minister for Foreign Affairs on the same subject, from all of which and the general conduct of the authorities I think they are desirous of meeting my representations in a conciliatory and fair spirit. I have not failed to avail myself of every opportunity to point out to them the facility with which seamen, as a rule, are led astray, and imparting my impression that, in this instance, most if not all of them have been the victims of misrepresentations, and that, had they known the true object for which they were engaged, they would not have joined the *Talisman*.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 45.—*Mr. March to the Earl of Derby.*—(Rec. January 28, 1875.)

MY LORD,

Lima, December 24, 1874.

IN continuation of my despatches relative to the *Talisman*, I have now the honour to report that the Peruvian Minister for Foreign Affairs has replied to my communication of the 3rd instant—a copy of which I inclosed in my despatch of the 12th instant—as also to a note which I addressed to him respecting the release of the engineer of that vessel for the purpose of working her machinery.

From M. de la Riva Agüero's reply, a translation of which I have the honour to inclose, it would appear as if the *Talisman* had been despatched to sea with the sole object of proceeding in quest of the crew who were prisoners on board the Peruvian ship-of-war *Huascar*. In truth, however, the *Talisman* was employed as a Government transport, for she took on board at Callao the Minister of War and some troops, landing the former at Mollendo and the latter at Pacocha. Consul Graham, writing from Islay on the 5th instant, states: "The *Talisman* also sailed from Mollendo this morning with 80 artillerymen, some mules, &c."

With reference to the chief engineer, it appears from his statement to me, that instead of his voluntarily lending himself to go on board the *Talisman* to work the machinery, as represented by the Peruvian Minister for Foreign Affairs, he was taken from his sleep-

ing-place in prison at 11 o'clock at night, and, without previous notice or the alternative of refusing, was unceremoniously put on board the *Talisman* and compelled to undertake the management of the machinery. On the vessel's return to Callao the engineer was again incarcerated, and his subsequent treatment in jail has been in all respects similar to what he had previously experienced, nor has he received any remuneration for his services.

I remonstrated against this irregularity in a despatch to the Peruvian Government, a copy of which I have the honour to inclose; but from the observations of M. de la Riva Agüero, your Lordship will perceive that it is the intention of the authorities to place the engineer upon his trial in the same manner as the rest of the prisoners.

I have pointed out to the Minister for Foreign Affairs the material difference between his statement and the engineer's account of his forced service on board the *Talisman*, but have abstained from any further discussion of the matter until your Lordship is made acquainted with the circumstances of the case.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure 1.)—*Señor Agüero to Mr. March.*

(Translation.)

Lima, December 18, 1874.

AFTER taking the necessary information from the Ministry of War and Marine touching the causes which determined the departure of the *Talisman* for the south, and the state of the legal proceedings to which the said vessel has been subjected, upon which points you are pleased to call my attention in your estimable despatch of the 15th (3rd) instant, I proceed to give you the due answer, it being agreeable to me to be able to assure you at once that the respective legal proceedings are being conducted according to the laws of the country and in conformity with the principles generally adopted in such matters.

You know that the *Talisman* captured by the *Huascar* in the Bay of Pacocha was brought to Callao by seamen belonging to the latter, and that immediately after her arrival a prolix inventory was made of all that was on board, all her sea-papers being at the same time sealed and deposited. As her master, Captain Haddock, was then at Pacasmayo, where he was apprehended, it was not possible to immediately begin judicial steps, for it was necessary to await the arrival of the "Sumario," which had been ordered to be prepared there; and as regards the declarations which the other prisoners had to give, it was not easy to obtain them immediately: for those individuals, whose removal to Callao had to be effected with all security, continued on board the *Huascar*, which, through the exigencies of

the service, had to remain in the south. It was therefore necessary to issue judicial despatches to the Judge of Islay and other southern ports, and, in order to avoid the delays and inconveniences which would necessarily follow such measures, it was decided, as being the most expeditious course, to bring the prisoners in the said *Talisman*, which sailed with that object, taking on board one of her engineers, who voluntarily lent himself for this service in consideration of payment, and because he only was acquainted with the details of the machinery of the steamer.

As you see, there has been no more delay in the initiation of the legal proceedings than the strictly indispensable one, and this has been caused solely by the circumstances which I have just noted.

As regards the employment of the engineer, you were doubtless ill-informed when you were made to understand that he had been placed at liberty; such lending of services could not import that individual's absolution, which alone depends upon the sentence which the Judge who has charge of the case may, in view of the proceedings, give; the Executive being unable, and without right, as is the case with all Governments of constitutional countries, to interfere in the administration of justice or consequently order the discharge of a person under trial.

If the *Talisman* has been made use of before being declared a good prize, it has been owing to the impossibility of the Government to dispose of any other ship-of-war—the only kind which offered sufficient security for the removal of the prisoners; but this use is permitted according to circumstances, and the Government of Peru could answer in any case for the value of the ship if any damage had been sustained by her in the short voyage on which she proceeded under the above-mentioned circumstances.

I will not conclude the present note without expressing to you that the trial of the *Talisman* is now far advanced, and that, in view of the leniency of our laws, it is to be hoped that the greater part of her crew, who undoubtedly have been led astray by deceit or are victims of their own ignorance, will be declared free, those who have been seriously implicated and are responsible being alone punished.

I avail, &c.,

F. B. March, Esq.

JOSE DE LA RIVA AGUERO.

(*Inclosure 2.*)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, December 15, 1874.

WHEN I had the honour of addressing myself to your Excellency on the 3rd instant I was under the impression that a portion of the crew of the *Talisman* had been liberated, and whilst thanking the authorities for the steps which I was led to believe they had taken,

I ventured to solicit the same action for the rest of the prisoners, since there was no difference in the offences imputed to them.

Your Excellency was so good as to acquaint me in reply with the pleasure you would have in recommending my request to the Minister of Marine, to whom my communication had been referred. I beg to thank your Excellency for the generous disposition you evinced towards those misguided men, so easily led astray and deceived, and for the courteous spirit in which your Excellency has entertained my application on their behalf. This being so, your Excellency will share the surprise I experience on discovering, as I now do, that only the chief engineer of the *Talisman* had been taken out of prison, for the curious reason that his services were required to work that steamer's machinery when ordered to sea by the Peruvian Government, and that on his return he was actually reincarcerated.

I feel that your Excellency's well-known sense of justice will be shocked at this evident trifling with the prisoner's condition, and that the Peruvian Government, on becoming acquainted with it, will immediately order that man's release. I abstain from commenting upon this untoward and no doubt unintentional irregularity, unless your Excellency should require further details, when it would be seen that the matter is even more serious than it at present appears.

I have, &c.,

Señor Agüero.

EDWARD MARCH.

No. 46.—*Mr. March to the Earl of Derby.*—(Rec. January 28, 1875.)

MY LORD,

Lima, December 26, 1874.

ON the 21st instant I was about to proceed to Callao on business connected with the master and crew of the *Talisman* imprisoned there, when M. Fernandez, who, as your Lordship is aware, has been engaged in defending the British subjects Bell and Sterling, presented himself at the Legation and asked to be permitted to accompany me. We went together, and on arriving at the jail, Mr. Haddock acquainted him with his case. We then visited the crew, whom we found having their evening meal, and here it may not be inopportune to mention that the food consisted of boiled meat and rice, with a quantity of haricot beans and some good bread. I cannot say that any fault could be found with either quality or quantity, regarded in the light of prison diet, although those who partook of it were not quite satisfied. At the same time they appeared in as good spirits as could be expected under the circumstances. When leaving, M. Fernandez handed them the sum of 100 soles, about 18*l.* sterling, with which to better their position at this festive season of Christmas. I have not been explicitly informed of the quarter whence this timely help is derived, but I believe it comes from

parties who are nearly connected with the leaders of the revolutionary movement, through whose doings the crew find themselves in their present trouble.

I endeavoured to obtain for the first and second mates and the chief engineer the accommodation which had been set apart for 3 of the crew when they were first incarcerated, and which was superior to that provided for the rest; but I was informed by the jailer that the privilege had been forfeited by the fact that 8 revolvers had been discovered secreted in their mattresses when the unsuccessful attempt was made to capture the Callao fortress, as reported to your Lordship in my despatch of the 10th December. I regret to inform your Lordship that the charge was not denied by the men, though they asserted they knew nothing of the matter previously, and that the arms in question must have been placed there by partisans of the revolutionary organization. Under the circumstances I did not, of course, press my request.

On the 24th instant I had another interview with the Judge who is presiding in the case of the *Talisman*. He told me that he had completed taking the declarations, and that in the course of a few days he would terminate the proceedings in a friendly manner; he hinted that the crew would most probably be liberated, but he abstained from making any allusion to Mr. Haddock.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 47.—*Mr. March to the Earl of Derby.*—(Rec. January 28, 1875.)

MY LORD,

Lima, December 26, 1874.

I HAVE the honour to transmit to your Lordship a translation of a communication I have received from Señor de la Riva Agüero, in answer to my request for a reply to the demand I had made upon the Peruvian Government respecting Mr. Higginson, of the British steamer *Santiago*. This is all the notice that has yet been taken of this matter by the Peruvian Minister for Foreign Affairs.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure.)—*Señor Agüero to Mr. March.*

(Translation.)

Lima, December 15, 1874.

THE multifarious and very urgent calls which, as is notorious to you, surround me at the present moment, in consequence of being charged with the Ministry of War and Marine, have prevented me from occupying myself with the affair to which you refer in your note of yesterday, which I have only this day received; but by bestowing upon it all the preference it merits, I will dedicate myself to its

examination, and I hope to be able to give you an answer within a few days.

I avail, &c.,

E. B. March, Esq.

J. DE LA RIVA AGUERO.

No. 48.—The Earl of Derby to Mr. March.

SIR,

Foreign Office, February 3, 1875.

I HAVE had under my consideration, and have consulted the Board of Trade upon, your despatches up to that of the 12th December, relative to the case of the *Talisman*, and I have to state to you that Her Majesty's Government entirely approve your proceedings in the matter, and your note to the Peruvian Government upon the subject, copy of which was inclosed in your above-mentioned despatch.

I am, &c.,

E. B. March, Esq.

DERBY.

No. 50.—Mr. March to the Earl of Derby.—(Rec. Feb. 15, 1875.)

MY LORD,

Lima, December 30, 1874.

I HAVE the honour to inclose a copy of a despatch I have addressed to the Peruvian Minister for Foreign Affairs, calling his serious attention to the irregularities that have marked the proceedings against Bell and Sterling, and requesting the intervention of his Government in the matter. I delivered the despatch personally to M. de la Riva Aguero, and ventured to say that I thought your Lordship would be painfully impressed on learning the heavy sentence that had been passed upon those British subjects under such extraordinary circumstances as those stated in my communication, and which have not yet been explained. I protested against the whole case as unfair to the prisoners, and begged the Minister to remember that Bell and Sterling had been set at liberty after 6 months' incarceration, and would, apparently, have remained free from further prosecution had they abstained from lodging a complaint at the Legation on the false imprisonment which they considered they had suffered.

M. de la Riva Aguero quoted several instances to show how powerless was the Government to interfere in the slightest way with the Judicial Department of the State, adding that Congress only could do so.

I remarked that when British subjects came into this country they did so on the faith that they would receive reasonably fair treatment, and that, when they were thrust into prison and detained there without trial for indefinite periods, his Excellency could not suppose that they had not good grounds of complaint, or that Her Majesty's Government would view such a state of things otherwise than with the deepest concern.

I may state to your Lordship that most of my colleagues com-

plain of the maladministration of the law in Peru, and therefore British subjects are not the only foreigners who suffer in consequence.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Mr. March to Señor Aguero.*

EXCELLENCY,

Lima, December 30, 1874.

IN the expectation of hearing from the Peruvian Government in regard to the trial of the two British subjects, Bell and Sterling, which I believe is now concluded, I have not addressed myself earlier to your Excellency upon the subject.

So firmly persuaded am I that, through untoward circumstances, there has been an unfortunate miscarriage of justice in the matter, that I feel constrained to once more call the serious attention of the Government to the facts of the case.

In my despatch of the 19th of October I had the honour of acquainting your Excellency with some particulars relating to the measures taken against those persons and the occurrence which gave rise to the proceedings. I need not, therefore, recapitulate them on this occasion, but only point out to your Excellency the grounds upon which I base my opinion that in this matter the sentence of 9 years' imprisonment recently passed by the Supreme Court upon Bell and Sterling is not warranted. These are—

(1.) That Bell and Sterling had both been liberated after a detention of about 6 months in prison, during which time nothing was proved against them.

(2.) That Downie, who would appear to have been one of the persons most implicated, had, by some means, been allowed to regain his freedom, as also the Peruvian citizen Borjia.

(3.) That it was only after Bell and Sterling had lodged a claim for damages for false imprisonment that they were re-arrested and active proceedings taken against them.

(4.) That the Judge who acted in the matter was himself at the time under the ban of the tribunals of his country, and therefore quite unfit to exercise judicial functions.

(5.) That the deposition of Bell had been criminally tampered with by an erasure, without which he could not have been convicted.

(6.) That, being under 18 years of age, Bell should have had a *curator ad litem* appointed to him, in accordance with Article 159, paragraph 3, of the Código de Enjuiciamiento Penal; and that by this omission the proceedings against him are, by the express enactment of the law, null and void.

(7.) That both Bell and Sterling should have had the assistance of interpreters, according to Article 32 of the same Code.

(8.) And, finally, that the Judge is asserted to have refused the evidence of some of the witnesses produced for the defence, and, by unduly protracting the case, to have caused the loss of the testimony of others who had left the country.

I think your Excellency will see from what I have advanced that there is enough to vitiate the legality of the various judgments pronounced in the case. Other examples might be cited, tending to show that considerations favourable to the accused were left unnoticed by the judicial authorities; as, for instance, the fact of Bell not having been produced in Court, in order that, from his personal appearance, some opinion might be formed of his youth; that in the matter of the erasure, when first discovered, Bell's counsel applied that a preparation should be used to develop what had been written previous to the tampering with the declaration, but of which no notice was taken; also the fact that most, if not all, the witnesses who deposed against the prisoners apparently shared in the disturbance which led to these proceedings, and whose testimony, therefore, partook of an *ex parte* character.

I cannot conceal from your Excellency the grave concern with which I regard this matter, since, from the attention I have given it by careful personal inquiries, my conviction is, that in the course of the very protracted proceedings against Bell and Sterling serious irregularities, if not actual departure from the letter and spirit of the law, have taken place, and I have little doubt that Her Majesty's Government will concur in this view of the case.

Under these circumstances I beg leave to suggest to your Excellency the expediency of this grave matter receiving the consideration it merits at the hands of the Executive, in order to determine the steps that may be taken, either by appeal to Congress or otherwise, to remove from these British subjects the grievance which they now suffer, and to which I do myself the honour of calling the attention of the Peruvian Government. I have, &c.,

Señor Agüero.

EDWARD MARCH.

No. 52.—*Mr. March to the Earl of Derby.*—(Received March 1.)
(Extract.) *Lima, January 25, 1875.*

I BEG leave to inclose, for your Lordship's information, a copy of a despatch I have received from Her Majesty's Minister at Bogotá.

The Earl of Derby.

EDWARD MARCH.

(Inclosure.)—*Mr. Bunch to Mr. March.*
(Extract.) *Bogotá, December 15, 1874.*

I HAD the honour to receive, yesterday, your despatch of the 31st of October, by which you are so obliging as to put me in pos-

session of certain facts connected with the piratical behaviour, on the coast of Peru, of the steamer *Talisman*, sailing under British colours. I was already aware, from information received through Her Majesty's Acting Consul at Panamá, of the proceedings of this vessel, and had spoken to the President of Colombia respecting her.

By the "South Pacific Times" of November 14, received yesterday, I see that the *Talisman* had been captured by the Peruvian corvette *Huascar* in the Bay of Pacocha. There would, therefore, seem to be no probability of her now visiting any Colombian port.

I beg leave to thank you for your despatch.

E. B. March, Esq.

R. BUNCH.

No. 53.—*Mr. March to the Earl of Derby.*—(Received March 1.)

MY LORD,

Lima, January 27, 1875.

I HAVE the honour to transmit to your Lordship a translation of the reply of the Peruvian Government to the demand which I was instructed, in your Lordship's despatch of the 8th of October last, to make upon them in the case of Mr. Higginson, who was taken out of the British steamer *Santiago*, in the Bay of Callao, under an order from the Captain of the Port, and thrown into prison, where he was detained for a period of 6 days.

I have also the honour to inclose the following documents:—

1. A translation of the order under which Mr. Higginson was removed from the *Santiago*, and imprisoned.

2. The Acting Consul's demand for the immediate release of Mr. Higginson.

3. A translation of the Captain of the Port's reply.

4. The depositions taken by the Acting Consul on the arrest of Mr. Higginson.

5. A certified translation of the judicial proceedings followed against the prisoner, including the order for his release.

These papers and those already furnished to your Lordship complete the material portion of the case of Mr. Laurence Higginson.

In view of the stage to which this question has arrived, and the concluding paragraph of your Lordship's despatch, I have abstained from making any observations to Señor de la Riva Agüero upon his statements, confining myself to simply acknowledging the receipt of his note, and stating that I would communicate it to your Lordship.

The Minister attributes the long delay in answering my despatch of the 18th of November to the heavy work thrown upon him by the disturbed state of the country, which has necessitated his attending to the Ministry of War as well as that of Foreign Affairs; but I should observe that dilatoriness is a standing feature in all the transactions between this Legation and Señor de la Riva Agüero's Department, and that it is not unusual to receive an acknowledgment

of a despatch with an intimation that it has been referred to some other Government office, and hear nothing more upon the subject.

Señor de la Riva Agüero then proceeds to state that, on having been made acquainted with the facts of the case now in question, his Government hastened to order the Prefect and the Captain of the Port of Callao “to liberate Mr. Higginson, unless there existed any reason to the contrary on the part of the judicial authorities.”

But there is a material difference between this record of the fact and the fact itself, for the Minister, in replying to the request for Mr. Higginson’s release, said :—“As soon as I received your note of yesterday, relative to the imprisonment of the butcher, Higginson, of the steamer *Santiago*, the necessary directions were issued . . . to place him at liberty, since there intervened no judicial order [for his imprisonment], and it was not quite certain by whom it [the imprisonment] had been authorized” (M. de la Riva Agüero to Mr. Nugent, July 21, 1874, inclosed in the despatch of July 27, 1874); thus recognizing the illegality of the proceeding, and asserting the inviolability of Article XVII of the Constitution of Peru,* which is to the following effect :—“No one can be arrested without a written order from a competent Judge or from the authority charged with the preservation of public order, except in cases of *in fraganti delito*, it being necessary in any case that the arrested person be placed within 24 hours at the disposal of the corresponding Judge, the executors of the said order being bound to give a copy thereof whenever requested to do so.” Again, Article LXXII of the Penal Code, quoted, but not in full, by Señor de la Riva Agüero, towards the end of his communication, lays down :—“When the accused or the denounced is a *transeunte* [not a resident], and without known property in the place, is of bad repute or a fugitive criminal, he will be immediately captured . . .” Mr. Higginson was not a person of this description, but, on the contrary, a workman in the employ of a large and responsible Company, with goods and chattels, and in the receipt of wages. Also, in Article XVI of the Treaty existing between Peru and the United States,† it is agreed (I translate from the Spanish version) that “no citizen of either Republic shall be imprisoned without there being first a warrant of imprisonment and of an order signed by a legal authority (except in cases of *in fraganti delito*), and in every case he will be brought before a Judge or other judicial authority, to give his declaration, within 24 hours from the time of his arrest, and if, within that period, his declarations have not been taken, he will immediately be set at liberty.” In the Treaty between France and Peru it is agreed as follows :—“Ils ne pourront être arrêtés ni

* August 29, 1867. Vol. LVIII. Page 509.

† September 6, 1870. Vol. LXI. Page 1289.

expulsés du pays, ni même transportés d'un point à autre du territoire sans motifs graves, sans que les formes légales soient observées à leur égard, et avant que les causes qui motiveront une pareille mesure aient été, en temps opportun, communiquées aux Agents Diplomatiques ou Consulaires de leur nation respective" (Traité d'Amitié, de Commerce, et de Navigation, conclu le 9 Mars, 1861, entre la France et la République du Pérou*)—advantages which other Treaty countries may claim by the clause which extends to their subjects the privileges accorded by Peru to the most favoured nation.

From the foregoing it is evident—even supposing, as Señor de la Riva Agüero asserts, that the Peruvian authorities were justified in acting upon the charge preferred against Mr. Higginson—that the laws of Peru were not complied with, and that, instead of the order for the arrest and imprisonment being made by the judicial authority, and legal proceedings instituted within 24 hours, the order (dated July 18) emanated from a civil functionary, and the declaration of the accused was not commenced until the 21st of July, or 72 hours after the arrest and imprisonment; whilst the proceedings were not brought to a close before the 24th of the same month, notwithstanding that these were confined to a short examination of the accuser and the accused—a formality which, but for the state of the law in this country requiring the whole of the proceedings to be conducted in writing, might have been terminated in less than half-an-hour.

This is evident in Inclosure 5. By a perusal of the same inclosure it also appears that the Minister's allusion to "witnesses whom it was necessary to examine in order to establish the question of jurisdiction" has been made under a misapprehension, since there is no record of any one besides the prisoner and his accuser having been examined by the Judge—a notable fact considering the gravity of the charge and the numerous witnesses on board the *Santiago* who could have thrown light upon the occurrence.

The statement that the accuser of Higginson presented himself before the authorities in a bleeding condition is surprising, and had not been made by the Peruvian Minister for Foreign Affairs in his despatch of the 21st of July, when, it is reasonable to suppose, he was fully acquainted with the circumstances of the case upon which he was adopting a definite course of action.

I have no doubt that the Minister has been misinformed, but I am unable, through the absence of the captain and the purser of the *Santiago*, to report to your Lordship positively upon this point. It having, however, been established beyond question, and to the satisfaction of the local judicial authorities, that the wound had been inflicted in Panamá, in the middle of June, it does not seem

credible that the man was in a bleeding condition from that same wound a month later, especially after having undergone hospital treatment, and having been discharged as sufficiently recovered to rejoin his ship. And if it was not this wound, what other was it, since the trial of the prisoner disclosed nothing upon the subject?

Likewise, with your Lordship's permission, I respectfully submit that the reference to the alleged silence of the captain and purser of the *Santiago*, on being visited by the port authorities, is susceptible of a very different construction to the one put upon it by the Peruvian Government. Should it necessarily have occurred to the captain to communicate to the authorities an occurrence which, besides not coming within their jurisdiction, had been duly inquired into and settled at Panamá? On the contrary, your Lordship may, perhaps, deem this incident a strong *primâ facie* proof that nothing had occurred on board the *Santiago* needing the interference of the local authorities, and I venture to think that it was in this light the authorities should have regarded the silence of the captain and the purser. Had they done so, or condescended to make some inquiries into the matter, either at the British Consulate or on board the *Santiago*, the falsity of the charge preferred against Mr. Laurence Higginson would at once have been made manifest. I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure 1.)—*Señor Aguero to Mr. March.*

(Translation.)

Ministry of Foreign Relations,

Lima, January 16, 1875.

THE urgent necessity in which my Government has found itself during the last two months of attending, before all things, to the re-establishment of order, seriously disturbed in the south of the Republic, and the redoubled attentions required from me by the same reason, and on account of having charged myself with the duties of the Ministry of War and Marine, have been the cause of the delay in the answer which has been pending to your note of the 18th of November last past, referring to the case of the butcher Laurence Higginson, of the English steamer *Santiago*.

After recording therein the complaint presented on the 20th of the previous July, upon the same subject, by your predecessor (Mr. Nugent), you proceed by direction of your Government to protest, in the most energetic manner, against the proceedings of the Peruvian authorities in summarily removing from a British ship, and consigning to a felon's prison, a member of her crew who, besides being innocent, could not, under whatever aspect the fault might be looked at, be responsible to the jurisdiction of the country—proceedings, which, in the opinion of Her Majesty's Government, constitute a grave outrage upon a British subject. In view of which

and acting in accordance with instructions from the Foreign Office, you fulfil the imperative duty to demand, as you do, an immediate and ample apology from the Peruvian Government in this affair, and full compensation to Mr. Higginson.

Permit me, before presenting the defence of the actions of my Government and of the Peruvian authorities in this matter, to make an exposition of the facts as they have taken place, and which did not allow the adoption of proceedings other than those laid down to the authorities by the laws of the Republic.

The first intimation of the case of Mr. Higginson was received by the Government of Peru from the British Legation, which, in a despatch dated the 20th of July, stated to this Ministry as follows:—

“On the 15th of June last past, the *Santiago*, then at anchor in the Bay of Panamá, a deck-trader came on board with articles for sale; amongst these were two revolvers, which were examined by several of the crew, and passed from hand to hand, all being ignorant that any of the barrels were loaded. Whilst in the hand of Laurence Higginson the pistol accidentally went off, and the ball unfortunately struck a Chilean of the name of Santana in the back. A doctor was immediately sent for, and the wound being considered sufficiently serious to require treatment ashore, he was sent to the hospital, all his expenses being paid by the Company, as also his wages, and on the *Santiago's* last voyage to Panamá the man was reported sufficiently well to join his ship, and was again received on board. On arriving at Callao he appears to have brought a charge against Laurence Higginson of attempt to murder him. Can anything on the face of it be more improbable or less worthy of credit? The Pacific Steam Company would at once, in such a case, have handed over the delinquent to the authorities in Panamá, and they certainly, even under the remotest suspicion, would never have consented to have taken the two men in the same ship. The authorities at Panamá appear to have been perfectly satisfied that the accident took place as stated upon oath in the declarations.”

Mr. Nugent ended his despatch by denying, as was natural, that the authorities of Callao had jurisdiction in the matter, and asking me to employ all the authority of the Government in order that the prisoner might be immediately liberated and restored to his ship.

In view of the facts set forth, and extending to the account contained in the despatch of the British Legation all the credit due to it, the Government hastened to give orders to the civil and port authorities of Callao to liberate Higginson if there was no reason to the contrary on the part of the judicial authority. In proceeding thus the Ministry rendered a courteous homage to the authorized word of the Representative of Her Britannic Majesty, whose veracity was unquestionable, and recognized on its part the incom-

petency of the tribunals from the moment that it was a question of an act which occurred out of the waters of the Republic.

But the affair in question had already come to the knowledge of the Judge of Callao by the information of José Santana, accuser of Higginson, who presented himself to the authorities of the port wounded and blood-stained, complaining of having been the victim of an attempted assassination within the territory of the Republic. So, when the sub-prefecture of Callao tried to give effect to the order of the Government, Higginson was under the jurisdiction of the Judge, who was bound to attend to the accusation made against the former, and proceed entirely in conformity with the law.

In view of a man wounded by a bullet, and this still in the body, as appears from the doctor's certificate which forms part of the proceedings, and in the face of a formal complaint which pointed to a crime committed in Peruvian waters, the authorities at Callao could not remain indifferent or inactive. The less could they be so when the captain of the steamer *Santiago* did not appear completely exempt from responsibility. In fact, on the double visit, that of war and of health, being made, according to the custom of ports, the captain and the purser of the *Santiago* kept the profoundest silence on the incident which had happened on board, and yet a few hours afterwards a man seriously wounded, whose blood was perceivable by the authorities and as many others as were present, was disembarking. That silence, so contrary to the usages of navigation, gave, without any doubt, more force to the complaint of the injured party, and at least imposed on the authorities of Callao the duty of giving greater attention to the accusation of Santana.

The fact of the serious wound being manifest, it remained to inquire whether the crime imputed to Higginson had been committed in Peruvian waters. The doubt appeared at least possible, in view of the contrary allegations of the parties, and of the inexplicable silence of the captain. It is, besides, a fact that the steamers of the English Company perform the voyage from Panamá to Callao without going far from the coast, which they retain always in sight, thereby navigating in the waters of the Republic.

Before this doubt, and in the presence of the demand made upon justice by a man seriously wounded, and impressed also by the mystery in which the captain of the ship appeared desirous of involving the incident, the authorities arrested, preventively, Higginson, by means of an order from the Captain of the Port, directed to the commander of the *Santiago*, who made no opposition whatever, and sent the accused immediately on shore.

In taking that precautionary measure, which did not prejudice the question of culpability, and which had for object the guarding of the rights of the territorial sovereignty of the Republic, satisfy-

ing at the same time a great interest of humanity and international justice; in adopting, I repeat, that measure previous to inquiry on the asseveration of the injured party, who affirmed to having been wounded in Peruvian waters, the authorities of Callao, far from having violated the laws observed by the generality of nations, have, on the contrary, applied them in the most correct manner. From the first steps in the proceedings which I have before me, the territorial Judge recognized his incompetence on account of the act having taken place in foreign jurisdiction, as appeared proved by the declarations of the distinct witnesses whom it was necessary to hear. Consequently the accused was placed at liberty after a preventive imprisonment of 6 days.

These are the facts, and the order in which they have successively presented themselves to the Government and to the authorities at Callao. Can an element sufficient to constitute a claim against Peru be deduced therefrom? It might as well at once be held that the public action taken for the good of society should give place to a civil process for the benefit of accused persons set at liberty. That would be the most sure means of paralyzing all justice, and of preventing the repression of crimes and offences.

For fear of exposing themselves to exigencies of this nature, private individuals and States would renounce the most legitimate rights of personal defence and of sovereignty. The society of nations, which do not govern themselves by rules different to those of the society of individuals, would thus lose successively all its guarantees. Assassination is a crime within natural law, which all nations are interested in punishing. No doubt it is a misfortune for a man to see himself unjustly accused of such a deed, but it cannot be deduced therefrom that when that crime is denounced, when the injured party has recourse to the justice of a State in the supposed limits of its sovereignty, the action of the judicial police must give to the accused the right of compensation on account of the preventive detention which is a necessary measure, above all when this is not done in a vexatious spirit. That Higginson should have sought a civil reparation from Santana might be understood, but it does not appear just to charge the same responsibility on the Peruvian Government.

To the theory generally adopted upon this point by the law of nations, permit me to add other considerations deduced from our legislation, to the terms of which all the inhabitants of Peru, be they passing through or residing in the territory, are subject. According to the Constitution of the Republic, no one can be arrested, except by judicial order, or by the civil authorities in cases of *in fraganti delicto*. It might be said that Higginson not coming within these cases, a violation of the law had been committed to his injury by

the authorities of Callao. But by the side of that legal precept is the disposition of Article 72 of the Código de Enjuiciamiento in matters criminal, which authorizes the capture and detention of a presumed criminal when he is a sojourner, and without known property in the place. Higginson was a sojourner (*transeunte*), and one of those who, by the nature of their profession, cannot remain much time in one place. His capture and preventive detention, far from being arbitrary acts, were therefore completely legal.

The Penal Code sanctions that, in case of calumny in a criminal accusation, the accuser remains subject to the penalties which the same Code establishes. In the actual case, if Santana altered the facts by making it appear that he was wounded in Peruvian waters and not in Panamá, that alteration could not be evident to the civil authorities nor to the Judge, except after the initiation of the legal proceedings, because it is not lawful according to any jurisprudence to presuppose falsity or calumny in an accusation, nor refuse to entertain it without incurring the offence of negation of justice. The Judge has proceeded, therefore, not only in a legal manner but praiseworthy, limiting the preventive imprisonment to the time strictly necessary for the clearing up of the question of competency.

With this statement I believe that I have proved that the authorities at Callao in the present case have acted according to the laws of the Republic, the principles of which are the same as those professed among all civilized people, and that there is no cause whatever to demand an apology from the Peruvian Government, which has not committed any offence against that of Her Britannic Majesty, and much less an indemnity in favour of Higginson, who has only suffered a preventive imprisonment.

My Government, which holds in high esteem that of Her Majesty the Queen, and tries always to maintain on the best footing the relations of the Republic with Great Britain, will extend to English subjects all the protection and guarantees which our laws accord to foreigners, and will make efforts to obtain for them in this country the security and well-being which we desire to all immigrants who bring us their industry or their commerce. But those new inhabitants of the national territory cannot pretend to have special laws nor dispositions applied to them which would place them in a better condition than the natives.

Hoping that the Government of Her Majesty, better informed now of all the incidents that have occurred in this matter, will be pleased to do justice to that of Peru, I have, &c.,

E. B. March, Esq.

J. DE LA RIVA AGUERO.

(Inclosure 2.)—Order of the Captain of the Port.

(*Inclosure 3.*)—*Acting Consul Wilson to the Captain of the Port, Callao.*

(*Inclosure 4.*)—*Señor Calcicos to Acting Consul Wilson.*

(*Inclosure 5.*)—*Examination of Witnesses and Inquest into the Case of Laurence Higginson, Butcher of the British Steamer Santiago, O.N. 65,919, William Bird, Master.*

Depositions of William Bird, Master of the Steam-ship Santiago. Deposition of Edmund Clark, and of James McKenna.

(*Inclosure 6.*)—*Extracts from the Proceedings initiated against the British Subject Laurence Higginson, for Wounds affirmed to have been inflicted by him upon José Santana, a native of Chile. Commenced on the 20th of July, 1874.*

No. 54.—Mr. March to the Earl of Derby.—(Received March 16.)

MY LORD,

Lima, January 29, 1875.

WITH reference to the despatch of the 27th instant which I had the honour of transmitting to your Lordship by the last mail, I now beg to inclose a deposition upon oath made before me by the officer who commanded the *Santiago* at the time of the arrest and imprisonment of Mr. Laurence Higginson, by which your Lordship will perceive that the statement of the Peruvian Government, to the effect that the accuser of Mr. Higginson was in a bleeding condition or blood-stained when he had recourse to the local authorities, is quite erroneous.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(*Inclosure.*)—*Deposition of William Bird.*

No. 55.—Mr. March to the Earl of Derby.—(Received March 16.)

MY LORD,

Lima, February 12, 1875.

THE attention which has of late been directed to the condition of persons confined in the prisons of Peru, and the observations made on the administration of the law, induce me to submit to your Lordship the unsatisfactory system of legal procedure in force in this country, especially in its relation to foreigners.

From the cases that have come under my cognizance, it is evident that the subordinate authorities have no discretionary power, or they are unwilling to use it, in the complaints laid before them. Persons are taken into custody and lodged in jail upon charges which the simplest examination would at once show were unfounded or unworthy of notice. Thus the liberty of the subject is at the mercy of any ill-disposed person, who, by having recourse to the authorities,

can satisfy his vindictive feelings by causing the arrest and imprisonment of the object of his dislike, or inflicting other serious inconveniences.

Any one charged with a violation of the law is first placed in jail, which is called "preventive imprisonment," and then are initiated the legal proceedings which are conducted by means of written declarations taken before a Judge who attends the prison for that purpose. The process of taking these declarations generally extends over several weeks or months, just as it may suit the convenience or whim of the Judge. Thus a matter which by *viva voce* examination a magistrate might have settled in one hour is indefinitely protracted and injuriously complicated, as in the case of Laurence Higginson, with which your Lordship is already acquainted. The prisoner is never confronted with his accuser or the witnesses brought against him. He cannot cross-question them, and, in a word, secrecy marks the whole proceedings. Under these circumstances I need scarcely add that the mode of administering the law in this Republic is lamentably faulty. The law requires accused persons to be brought before a magistrate within 24 hours of their arrest; but this, like many other excellent provisions in the Code, has become a dead letter. Those not understanding the Spanish language have to be furnished with an interpreter; but from all I have heard upon this point I fear that, as a rule, the interpreters provided by the authorities have but little knowledge of the language which they are supposed to translate.

To obviate in some measure the injustice and hardships which this state of things inflicts upon, among others, British subjects in this country, and with which the Executive is unable to interfere, I would respectfully suggest whether the execution of a new Treaty with provisions for the proper enforcement of the law of the country might not be advisable.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

No. 59.—Mr. March to the Earl of Derby.—(Received March 31.)
 MY LORD, *Lima, February 20, 1875.*

I HAVE the honour to inclose translation of a communication I have received from the Peruvian Minister for Foreign Affairs, in reply to one I addressed him on the subject of the *Talisman*. The Minister describes the present stage of the proceedings, and explains the delays which have marked the case. The fact that the crew, though still detained, are not confined with convicted prisoners, as is generally the case in this Republic, will, I trust, be viewed with satisfaction by your Lordship. I visited the jail yesterday to make sure that this information was quite correct, and from my inquiries it appears that the master of the *Talisman* shares his room with 3

other political prisoners, two of whom are of the rank of Colonel. The crew are with other Peruvian prisoners similarly situated, and among them are some captains and lieutenants in the army.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure 1.)—*Mr. March to Señor Garcia y Garcia.*

EXCELLENCY,

Lima, February 13, 1875.

I HAVE on various occasions been obliged to trouble your predecessor in office in the matter of the *Talisman*, her master and crew, and on the 19th of last month I called Señor Riva Aguero's serious attention to the sufferings which Mr. Haddock and the men were undergoing by their protracted confinement and the suspense in which they were kept. I ended my communication by urging upon his Excellency the advisability, since there was no knowing how much longer the proceedings might last, of having the crew removed from among the general body of malefactors who were convicted prisoners. Señor de la Riva Aguero was so good as to state in reply that he had transmitted my despatch to the Minister of Justice, begging him to do his best for the prompt and efficient termination of the proceedings.

In now doing myself the honour of again having recourse to your Excellency upon this subject, it is to remind your Excellency that it is now nearly 4 months since the *Talisman* and those on board were captured, and that as yet I have received no intimation of any definite resolution having been come to in the matter.

These persons having been actually employed on board the *Talisman* when that steamer was engaged in landing a revolutionary party on the Peruvian coast, Her Majesty's Government would not, I feel sure, claim to withdraw them from the fair operation of the law of the country; but, at the same time, Her Majesty's Government are entitled to demand that the charge preferred against them be not made the means of keeping them prisoners for an indefinite period. I am ignorant of the facts which are considered as proving that the crew were knowingly and intentionally connected with the expedition of the *Talisman*. It appears to me most improbable that they associated themselves designedly with persons with whom they could have no previous acquaintance or community of interest in a rash attempt at creating a revolution in the country, although it is evident that, when once embarked on board the vessel in which they were serving, they had no power to withdraw themselves and leave it.

If these men, however, have rendered themselves amenable to the law of Peru, that law must have its course, though I must again express my regret at the deplorable delay which is characterizing the legal proceedings in this case; and I earnestly request that the

trial of my unfortunate countrymen may be expedited, and that, pending its termination, they may be removed to a better locality.

I have, &c.,

Señor Garcia y Garcia.

EDWARD MARCH.

(Inclosure 2.)—*Señor Garcia y Garcia to Mr. March.*

Ministry of Foreign Relations,

(Translation.)

Lima, February 16, 1875.

I HAVE the honour of remitting to you a copy of the report issued by the Superior Court of this judicial district, touching the present state of the proceedings instituted against the captain and the crew of the steamer *Talisman*. By the said document, as also by the reason given by the Commander-General of Marine, which is also inclosed, you will see that those under trial have been duly attended to, and that they are not, as you were assured, in the same place as the sentenced wrong-doers, but in the company of those simply detained.

In other respects the delay which this affair has suffered has been unavoidable, on account of the double character which it has presented, because the criminal trial to which the crew of the ship in question had to be subjected, depends upon the result of the trial of the ship.

As I was on the point of sending this to you, I received your estimable despatch of the 13th instant, referring to the same subject, and of which I limit myself to acknowledging the receipt, in consequence of its having been partly answered by the present note.

I avail, &c.,

E. B. March, Esq.

AURELIO GARCIA Y GARCIA.

No. 60.—Mr. March to the Earl of Derby.—(Received March 31.)

MY LORD,

Lima, February 22, 1875.

I HAVE the honour to inclose a copy of a further despatch which I have considered it my duty to address to the Peruvian Government on the subject of the indefinite imprisonment of my countrymen in Peru. This step has been rendered necessary by the very unsatisfactory way in which my remonstrances on the matter are treated.

I have, &c.,

The Earl of Derby.

EDWARD MARCH.

(Inclosure.)—*Mr. March to Señor Garcia y Garcia.*

(Extract.)

Lima, February 17, 1875.

THE incessant appeals which are being addressed to me by my imprisoned countrymen in Peru force me to bring the subject once more before the notice of the Peruvian Government, in the earnest expectation that your Excellency will attend to it, and deign to

favour me with some more satisfactory reply than communications of this nature have hitherto received. I feel that, when the several cases which I am now about to recapitulate, have been submitted to Her Majesty's Secretary of State for Foreign Affairs, as I am in duty bound to do, my Government will view with the deepest concern the position of those British subjects.

The case of the murder of James McKellar in January, 1874, by one Manuel Helmes, a citizen of this country, under circumstances of apparent deliberation; is another serious matter, which, so far as I am aware, is wholly disregarded, and cannot fail to give rise to disparaging reflections upon the administration of justice in this country. I drew the attention of Señor Riva Aguero to this subject 4 months ago, supplying him at the same time with some important particulars respecting the occurrence, pointing out to him where, according to my information, the murderer was to be found; but up to the present I have not heard that he has been arrested, or indeed that the authorities have done anything in the matter, though I again directed attention to it in a despatch dated the 2nd of December, 1874.

Stephen Thomas states that he has been in gaol upwards of 4 months. On the 4th of November last I did myself the honour of addressing Señor de la Riva Aguero about this detention; and again on the 2nd of December, but my representations have remained without so much as a reply. The occurrence which led to this arrest appears to have been purely accidental, as those who witnessed it could prove.

Charles Morris has been incarcerated for a period of nearly two years, without, he assures me, having been duly judged and sentenced. I fear this is but too true, and, if so, your Excellency cannot fail to be struck by such a manifest injustice. I think it is enough to state these facts in their bare simplicity, without my taking upon myself to comment upon them.

The case of Bell and Sterling has formed the subject of a lengthy correspondence; and in now referring to it, I do so to strongly impress upon the attention of your Excellency its gravity. This will be apparent from my despatch of the 30th of December last.

The prolonged imprisonment of the master and crew of the *Talisman* among convicted felons is another matter which cannot fail to attract a deal of attention.

Charles Cass has been incarcerated close upon 5 months, and on the 20th of January I begged Señor Riva Aguero to inform me of the circumstances which led to his imprisonment; and, in reply, he stated that my despatch had been referred to the Minister of Justice. I have reason to believe that there are no substantial grounds for this continued loss of liberty.

A Mr. Shaw, whilst proceeding from Pisco to Callao, was deprived of 200 soles by the authorities at the former port, and on the 20th ultimo I brought the matter under the notice of your Department. I was told that the question had been referred to the Prefect at Pisco, and that is all that this Legation knows upon the subject.

Thus your Excellency will perceive that in almost every instance of complaints from this Legation being brought to the notice of the Peruvian Government, no satisfactory or definite result is gained, it apparently being deemed sufficient (and I beg your Excellency will pardon my saying so) to reply that the matter had been referred to some other authority, and hear no more of it. I feel sure that your Excellency will not fail to appreciate the serious aspect which such a state of things assumes, involving, as it does, breaches of the Constitution and laws of the Republic. Whatever be the cause of these delays in the administration of the law, it is evident that grievous injustice and untold suffering, both mental and physical, are inflicted upon British subjects; and I conclude by again earnestly soliciting your Excellency's most serious attention to the facts herein enumerated, which I must, with all the weight of my official character, beg the Peruvian Government to remedy.

Señor Garcia y Garcia.

EDWARD MARCH.

P.S.—Since the above was written I have had the honour of receiving your Excellency's despatch of the 16th instant, by which I learn with much satisfaction that the master and the crew of the *Talisman* are not now among the convicted prisoners, but occupy a separate place. I thank your Excellency for this communication.

No. 61.—The Earl of Derby to Mr. St. John.

SIR,

Foreign Office, April 1, 1875.

I HAVE had under my consideration, and have consulted the Law Officers of the Crown upon, Mr. March's despatch of the 30th December last, and the previous correspondence relative to the case of the two English lads, Bell and Sterling, who have been condemned by the Supreme Court of Peru to 9 years' imprisonment, on a charge of being concerned in a murder.

Her Majesty's Government are advised that although, from an English point of view, some of the proceedings in this case have been objectionable, the evidence on which the prisoners were convicted unsatisfactory, and the sentence pronounced upon them excessive; yet that, in view of the fact that the last two trials were fairly conducted according to Peruvian law, Her Majesty's Government would not be justified in demanding the release of Bell and Sterling.

Her Majesty's Government hope that, before this despatch reaches you, the Peruvian Government will have acceded to the request of Mr. March, and granted the remission, or at least a mitigation, of the sentence; but if such should not be the case, you will address a note to the Peruvian Government, in which you will state that Her Majesty's Government, feeling that they would not be justified in impugning the administration of law and justice in Peru with regard to this case, make no claim on behalf of these men as a matter of right; but they earnestly hope that, in consideration of the great hardships to which the prisoners were subjected during their early confinement, and the length of time which has elapsed since the commission of the offence with which they are charged and the commencement of their term of imprisonment, the Peruvian Government will favourably consider the case, and will grant to the prisoners, if not a complete remission, at least a considerable mitigation of the punishment to which they have been condemned.

I am, &c.,

S. St. John, Esq.

DERBY.

No. 66.—The Earl of Derby to Mr. St. John.

SIR, *Foreign Office, June 7, 1875.*

I HAVE had under my consideration, and have referred to the Law Officers of the Crown, Mr. March's despatches of the 27th and 29th January, together with the previous correspondence relative to the case of Laurence Higginson, and I have to state to you that I am advised that the explanations given by the Peruvian Minister for Foreign Affairs of the causes which led to the arrest and imprisonment of Higginson are such as to preclude Her Majesty's Government from insisting further upon an apology and indemnity from the Peruvian Government, the arrest and imprisonment appearing to have been in due course of law as ordinarily administered in Peru, though based upon what eventually proved to be a grossly false statement of facts.

I have, therefore, to instruct you to inform the Peruvian Minister for Foreign Affairs that Her Majesty's Government do not desire to press the matter further.

In doing so, however, you will express the surprise and regret of Her Majesty's Government that the Peruvian authorities should have been misled by so palpable a falsehood as that told by Santana with regard to the wound inflicted on him by Higginson, and that they should have detained Higginson so long in prison without making any inquiry into the real facts of the case.

Up to the date of my despatch to Mr. March upon this subject dated the 8th of October, 1874, the Peruvian Government had in no way repudiated the charges made against them by Mr. Nugent,

though they had in conversation denied in general terms their responsibility for what had occurred ; and it was not until the 16th of January last (as reported in Mr. March's despatch of the 27th January) that any explanation of the circumstances was given by the Peruvian Minister. Even then, in making such explanations, the Minister appears to have been in some respects misinformed, particularly as regards the alleged bloodstained appearance of Santana, which is positively denied by the deposition of Captain Bird, inclosed in Mr. March's above-mentioned despatch of January 29.

I am, &c.,

S. St. John, Esq.

DERBY.

No. 67.—Mr. St. John to the Earl of Derby.—(Rec. June 28.)

(Extract.)

Lima, May 27, 1875.

THE untried English prisoners who were in gaol at the time of my arrival in January last were :—

Charles Morris, arrested June 1, 1873, accused of murder.

Charles Cass, arrested September 28, 1874, accused of robbery.

Stephen Thomas, arrested October 13, 1874, accused of murder.

William Mitchell, arrested December 1, 1874, accused of arson.

Morris has since been condemned to 12 years in the Penitentiary, but has appealed, and I have furnished him with a lawyer to aid him.

Charles Cass and Stephen Thomas have been acquitted, and Mitchell's case will be decided in a few days.

The crew of the *Talisman* have remained a long time in prison, but I hope that this delay may have been of some advantage to them, in giving time to the very excited passions of the Peruvians to be calmed. The sentence on the ship is expected to be delivered to-morrow ; it could have been delivered some time since, had not the defence interposed delays.

The case of Bell and Sterling remains undecided, as the Government do not possess the power either to pardon prisoners or to mitigate sentences, that power being reserved for Congress.

At this moment there is but one Englishman in prison on whom no sentence has been pronounced, with the exception of the crew of the *Tulisman*, whose case can no longer be delayed.

I reserve detailed Reports on these cases until something positive is decided, but in the meantime I will give the Peruvian Foreign Office no rest until every pending case be settled.

The Earl of Derby.

SPENSER ST. JOHN.

No. 68.—The Earl of Derby to Mr. St. John.

SIR,

Foreign Office, July 3, 1875.

I HAVE received your despatch of the 27th of May, in which

you state that the sentence on the British vessel *Talisman* was expected to be delivered on the following day, and that the case of the crew would be no longer delayed.

I sincerely trust that before this despatch reaches you this long-pending affair will have been brought to a conclusion; but if such should not be the case, you will call the serious attention of the Peruvian Government to the length of time during which British subjects have been kept in prison without trial, and you will strongly urge the necessity of immediate steps being taken in this matter.

I am, &c.,

S. St. John, Esq.

DERBY,

No. 71.—Mr. St. John to the Earl of Derby.—(Rec. July 16.)

MY LORD,

Lima, June 9, 1875.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 1st April last, directing me to address a note to the Peruvian Government, expressing the earnest hope of the British Government that the prisoners Bell and Sterling should receive, if not a complete remission, at least a considerable mitigation of the punishment to which they have been condemned.

I beg to inclose the correspondence which has passed on the subject, by which your Lordship will perceive that, as the Constitution of Peru does not allow the Executive to pardon, but reserves that power to Congress, I had a petition drawn up in the name of the British subjects Bell and Sterling, and requested the Government to present it to the Chambers, as they had done on a previous occasion. The Peruvian Government declined to do so, under the plea that it is not usual to present such petitions to Congress sitting in extraordinary session.

In my reply I have pointed out that the reasons given are inadequate; and during an interview I had yesterday with the Secretary of State for Foreign Affairs, when he said how much he regretted that I had employed in my despatch the word "inadequate," I made use of the opportunity to remark to him, privately, that I feared Her Majesty's Government would imagine, from this and from other incidents, that the Peruvian Government treated with studied neglect every request that was made in their name.

I have, &c.,

The Earl of Derby.

SPENSER ST. JOHN.

(Inclosure 1.)—Mr. St. John to Señor de la Torre.

M. LE MINISTRE,

Lima, May 25, 1875.

I HAVE the honour again to draw the attention of your Excellency to the case of the two English lads, Bell and Sterling, who

were accused of being accomplices in the death of a man named Robles.

I have been directed to state that Her Majesty's Government, feeling that they would not be justified in impugning the administration of law and justice in Peru with regard to this case, make no claim on the part of these British subjects as a matter of right; but they earnestly hope that, in consideration of the great hardships to which the prisoners were subjected during their early confinement, and the length of time which has elapsed since the commission of the offence with which they are charged and the commencement of their term of imprisonment, the Peruvian Government will favourably consider the case, and will grant to the prisoners, if not a complete remission, at least a considerable mitigation of the punishment to which they have been condemned.

I am aware that the Executive has no right to interfere directly with the pardoning power, but that it is reserved to Congress to mitigate the effect of harsh or unjust sentences; I therefore inclose a petition from the lads, Bell and Sterling, which I would beg the Peruvian Government to present immediately to Congress, and to use their legitimate influence to see that it is passed.

I am also aware that it is said not to be usual to apply to an Extraordinary Congress for a pardon; but I would point out that there is nothing in any law to prevent the Government from presenting the inclosed petition. It depends entirely on the will of the Executive whether they will present it or not.

I may remind you also that, in the year 1870, the Minister of Justice, on the demand of Mr. Jerningham, presented a petition to Congress for the release of William Wiles; that this petition was passed, and the prisoner was set at liberty.

I would now request your Excellency to draw the immediate attention of the Peruvian Government to this affair, so that no time may be lost in presenting the petition to Congress. I need scarcely repeat the circumstances of the case; but I may notice that the real culprits were permitted to escape, that the evidence on which the prisoners were convicted was as unsatisfactory as it was contradictory, and that the sentence is excessive, and that further delay would throw over the consideration of the question to the next meeting of Congress in July, 1876.

As Her Majesty's Government feel deeply interested in this question, I am assured that the Peruvian Government will give it all the attention that it merits, and not permit the Extraordinary Congress to close without having procured the pardon, or the mitigation of the punishment, of these unfortunate lads.

Accept, &c.,

Señor de la Torre.

SPENSER ST. JOHN.

(*Inclosure 2.*)—*Señor de la Torre to Mr. St. John.*

(Translation.)

Ministry of Foreign Relations,

SIR,

Lima, May 29, 1875.

I HAVE had the honour to receive your esteemed note, dated the 25th of the present month, in which you have inclosed a petition asking pardon for the British subjects Bell and Sterling, condemned by the tribunals to the punishment of the Penitentiary.

Your Excellency is not ignorant, and you are pleased to indicate it in the name of your Government, that it would not be justifiable to impugn the administration of law and justice in Peru, and so I have seen with surprise in the same despatch your unacceptable observations upon the proceedings, upon the nature of the evidence which was taken into consideration to condemn Bell and Sterling, and upon the sentence pronounced. Your Excellency, in occupying yourself in this matter, appears not to be in accord with the principles laid down in the name of the illustrious Government of Great Britain, nor to remember the contents of my despatch of the 12th instant, and of the documents thereto annexed.

For the rest, your Excellency knows that Extraordinary Congresses are convoked for the determination of questions of general interest, and that, if the Executive reserves to itself the right to submit to its deliberation others which have not been included in the Decree which convoked it, it cannot occupy itself with private business of the nature of that now referred to.

I had already indicated to your Excellency in verbal conferences that it was not possible to consent to what you solicited, and I thought that the reasons then set forth, and which I request your Excellency to recall to your memory, would be sufficient to convince you; but not having succeeded in my object, I am under the necessity to manifest to your Excellency that my Government, notwithstanding the consideration which that of Her Majesty merits, to whom it would desire to give a proof of deference, cannot submit to the Chambers, united in extraordinary session, and occupied in grave affairs of great importance, the petition of the criminals Bell and Sterling, who can themselves present it to the Congress which will meet next year, 1876.

For that object I return to your Excellency the above referred to petition, and avail, &c.,

S. St. John, Esq.

A. V. DE LA TORRE.

(*Inclosure 3.*)—*Mr. St. John to Señor de la Torre.*

M. LE MINISTRE,

Lima, June 7, 1875.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 29th of May in reply to mine of the

25th of May, in which by the direction of Her Majesty's Government, I requested the pardon or the mitigation of the punishment of the British subjects Bell and Sterling.

Your Excellency now informs me that the Peruvian Government have decided, for reasons which appear to me to be quite inadequate, not to take any steps to meet the wishes of the English Government.

It is with the greatest regret that I shall bring the decision to the knowledge of Her Majesty's Secretary of State for Foreign Affairs.

Accept, &c.,

Señor de la Torre,

SPENSER ST. JOHN.

No. 72.—Mr. St. John to the Earl of Derby.—(Received July 16.)

MY LORD,

Lima, June 10, 1875.

IN reply to your Lordship's despatch of the 5th April last, I have the honour to inform your Lordship that the *Talisman* has been condemned as a good prize, and that the master, officers, and others, have been handed over to be tried by the criminal courts. As the advocate chosen to defend the *Talisman* has appealed against this sentence, and as, until this appeal be settled, the prisoners cannot be tried, I see no termination to the delays which have marked this case.

To my remonstrances, the Secretary of State replies that the present delays are caused by the action of the defence. I do not, however, fail to keep the subject constantly under the attention of the Government.

I have, &c.,

The Earl of Derby.

SPENSER ST. JOHN.

[Continued in Vol. LXVII.]

ARRANGEMENT for the exchange of Money Orders between the Money Order Department of India and the Post Office of the Swiss Confederation.—Signed at Berne, June 1, 1875, and at London, June 17, 1875.

IN order to establish an exchange of Money Orders between India and Switzerland, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of Money Orders between India and Switzerland by means of the weekly mail service *vid* Brindisi.

II. The Money Order business between the two countries shall be performed exclusively through offices of exchange communicating

with each other by means of lists, as explained more particularly below, the Money Orders being made out and forwarded to the payees by the office of exchange of the country in which the Orders are payable. The offices of exchange shall be, on the side of India, Bombay, and, on the side of Switzerland, the office that will be designated afterwards.

III. The amount of Orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a Money Order may be drawn in either country upon the other shall be 10*l*.

V. No Money Order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing Money Orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of Money Orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for Money Orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular Orders referred to.

Applications by remitters for repayment of Orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of Money Orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of Money Orders expressed in sterling money into its own currency for the purpose of payment.

X. The manner and conditions of paying Orders, including stoppage of payment, renewal of Orders, issue of duplicate Orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of Money Orders not ultimately paid, *i.e.*, of Orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the Orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of Money Orders issued by means of lists of the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the Order shall be made payable.

XIV. Besides the particulars of Money Orders issued, the lists mentioned in Article XIII shall contain particulars of Orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no Money Orders to communicate.

XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "list numbers."

XVIII. The entries in the lists respecting Orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting Orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the des-

patching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of Orders dependent on the irregular entries shall be suspended.

XXII. As soon as the Swiss office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed Form B.

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Berne, to the Financial Secretary, India Office, London, for payment by bill of exchange on Berne, if the balance be in favour of Switzerland, and with payment by bill of exchange on London if the balance be in favour of India. In the case of payment to Switzerland the bill of exchange on Berne shall be for an amount in Swiss currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of Money Orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, affecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail the offices of correspondence shall be the General Post Office, Berne, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The Department charged with the control of Money Orders in either country shall have authority to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All

such additional rules, however, shall be communicated by the one Department to the other.

XXIX. The present arrangement shall take effect on the 1st October, 1875. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at London, the 17th of June, 1875; at Berne, the 1st of June, 1875.

(L.S.) A. M. MONTEATH.

(L.S.) EUGENE BOREL.

(*Transmitting Letter.*)

List No. , despatched from .
Dated the , 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, applications, on each of which there has been noted :—

1. A serial " Application, No. " (which can be quoted by you in any reference thereto) ;
2. The number and date of the list in which the Order referred to was originally entered ; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of ; those entered as " not yet disposed of " will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No. , dated , which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient servant,

To the Controller, Money Order Exchange Office, ;
or to the Controller, Money Order Office, Bombay.

A. From Bombay to _____
 No. _____, dated 187 .
 List of Money Orders drawn in India upon Switzerland.

| Particulars to be furnished by the Bombay Office. | | | | | | For the use of the Swiss Office. | | | | |
|---|------------------------------------|---|-------------------------------|----------------|-------------------|----------------------------------|----|----|----------------------------|---------------------------|
| Entry No. | Date of Receipt given to remitter. | Office by which the Money was received. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | | | Equivalent in Swiss Money. | No. of Swiss Money Order. |
| | | | | | | £ | s. | d. | | |
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List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Switzerland authority is hereby given.

| Swiss (AA.) List in which the Orders were originally included. | | | | | For the use of the Swiss Office. | | | |
|--|-------|-----------|---|------------------|----------------------------------|----|----------------------------------|---------------------------------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in Swiss Money. | No. of Swiss Money Order. |
| | | | | £ | s. | d. | | |
| | | | | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

AA. From _____ to Bombay.
 No. _____, dated _____ 187 ____.
 List of Money Orders drawn in Switzerland upon India.

| Particulars to be furnished by the Swiss Office. | | | | | | | For the use of the Bombay Office. | | | |
|--|------------------------------|--|-------------------------------|----------------|-------------------|------------------|-----------------------------------|----|----|----------|
| Entry No. | Original No. of Money Order. | Office in which the Money Order was paid in. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | Equivalent in Indian Money. | | | Remarks. |
| | | | | | | £ s. d. | B. | A. | P. | |
| | | | | | Total ... | | | | | |

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

| Indian (A) List in which the Orders were originally included. | | | | | | | For the use of the Bombay Office. | | | |
|---|-------|-----------|--|------------------|-----------------------------|----|-----------------------------------|-----------------------|----------------------------|----------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Remarks. |
| | | | | £ s. d. | B. | A. | P. | | | |
| | | | Total ... | | | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

B.

Quarterly Account of Money Order Exchanges between Switzerland and India,
prepared by the Swiss Office of Exchange, for the Quarter _____, 187 _____.

| To the credit of Switzerland. | | | | | To the credit of India. | | | | |
|--|--------------------------|-------------------|----|----|---|--------------------------|-------------------|----|----|
| For Orders drawn by India, by means of the following Indian (A.) Lists bearing dates in the above quarter. | | | | | For Orders drawn by Switzerland by means of the following Swiss (AA.) Lists bearing dates in the above quarter. | | | | |
| List No. | Final Entry No. of List. | Amount of Orders. | | | List No. | Final Entry No. of List. | Amount of Orders. | | |
| | | £ | s. | d. | | | £ | s. | d. |
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AWARD of the Arbitrator (Mr. Robert Bunch) on the Claims of the United States against Colombia, for Damages resulting from the Capture and Detention of the American Steamer Montijo, in April, 1871.—Bogotá, July 26, 1875.

IN virtue of a Convention between the United States of America and the United States of Colombia, dated the 17th of August, 1874,* it was agreed that there should be submitted to a tribunal of arbitration the final resolution and decision of a claim which had been preferred by the first-named Republic against the latter for damages accruing from the occupation, in the months of April and May, 1871, in the waters of the State of Panamá, of the American steamer *Montijo*.

That tribunal was duly constituted in the city of Bogotá, and consists of Señor Mariano Tanco, as Arbitrator on the part of the United States of Colombia, of Mr. Bendix Koppel, as Arbitrator on the part of the United States of America, and of the Undersigned, Mr. Robert Bunch, Her Britannic Majesty's Minister Resident to the United States of Colombia, as final Referee or Umpire.

After due examination of the facts and the emission of written opinions by Messrs. Tanco and Koppel, it was found that an entire discrepancy existed between these gentlemen, for which reason the question has been laid before the Undersigned for a final decision, which he proceeds to give in the following manner and terms.

The Undersigned will begin by enumerating the

Points on which both Arbitrators seem to be agreed.

1. The *Montijo* was a steamer built and registered in New York but put together in Panamá, in the year 1867. She was owned by Messrs. Schuber Brothers, citizens of the United States, residing and doing business for many years in the city of Panamá.

Her papers were always in the custody of the Consul of the United States in Panamá.

2. That from 1867 to the date of seizure in 1871 she was trading under the American flag, in the Pacific; generally between the city of Panamá and the town of David and intermediate ports of the State, but also between Panamá and Buenaventura, and even between Panamá and certain ports of Peru and the Ecuador.

3. That during the period between 1869 and 1871 the *Montijo* was engaged in the trade between the city of Panamá and the town of David and intermediate ports as aforesaid, under a contract with the Government of the State of Panamá dated December 15, 1869,

by which "the President of the State, in conformity with his powers (*en uso de sus facultades*) grants permission to the *Montijo*, although sailing under the flag of the United States of America, to enter the ports of the State as a coasting vessel (*buque costanero*) and declares her to be exempt from all duties in such ports." By the same contract an exclusive privilege for 8 years is granted to the vessel to enter a disused (*antiguo*) port called Mangote, and certain lots of land are ceded to her owners for the erection of warehouses, &c.

In return for these and other privileges the owners of the *Montijo* pledge themselves to carry the official correspondence of the State gratuitously, to give passage at reduced rates to the Government troops and officials. It is also stipulated that in cases of disturbance of public order special contracts shall be made for the conveyance of troops, and that a sum not exceeding 500 dollars a day shall be paid to the owners of the *Montijo*.

4. That early in the month of April, 1871, the *Montijo* was lying in the port of David. Señor Tomas Herrera and other persons who were desirous of making a revolution against the State Government of Panamá endeavoured to obtain by negotiation the services of the vessel from one of her owners, Mr. John Schuber, who was on board. That the proposal was rejected, and that on the 6th of April the vessel was taken forcible possession of by Herrera, Díaz, and others. The particulars of the seizure are fully detailed in the affidavits of the owner, captain and engineer, and others.

5. That the vessel remained in possession of the captors, and, subsequently, of the State Government of Panamá, for a certain period of time, when she was restored to her owners.

6. That a Treaty of Peace was subsequently made between the President of the State of Panamá, Buenaventura Correoso, on the one hand, and Tomas Herrera, chief of the revolutionary forces, on the other, by which a complete amnesty was reciprocally granted, and by Article VII of which "the Government assumes as its own the expense of the steamers and other vehicles which the revolution has had to make use of up to that date."

7. That up to this day nothing has been paid by the State of Panamá for the use of the steamer *Montijo*.

8. That the Government of the United States has preferred a claim against the Government of Colombia for a sum of upwards of 94,000 dollars for use of the *Montijo*, and for other matters arising from it, and that the entire question has since been submitted, by mutual consent, to the decision of Arbitrators, who were duly appointed under the terms of a Convention between the two Republics.

9. That the said Arbitrators have been unable to arrive at a

common decision: the one holding that Colombia is not responsible for any of the damages inflicted on the owners of the *Montijo*, whilst the other sentences Colombia to pay to the claimants the sum of 33,401 dollars, with interest at the rate of 5 per cent. per annum since the 1st of January, 1872, until the day of payment.

10. That the final decision in the case has been left, under the terms of the aforesaid Convention, to the Undersigned, who now proceeds to the discharge of his duty.

The Undersigned commences by examining the reasons alleged by the Honourable the Colombian Arbitrator for exempting his Government from all responsibility to the owners of the *Montijo*.

These seem to be:—

1st. That the Messrs. Schubert were domiciled in the city of Panamá, where they carried on business for many years under the protection of the laws of the country, for which reason they were subject to those laws in every respect in the same manner as the citizens of Colombia.

2nd. That the Messrs. Schubert constantly took part in the civil disturbances of the State of Panamá, by hiring their vessel indiscriminately to the constitutional Government and to rebels; that they made a contract to place their vessel at the disposal of the local Government whenever there might be a domestic war (*guerra interior*); that they were always paid for such services, which fact establishes on their part an organized speculation in all cases of public disturbance; that the use of the flag of the United States does not add force to their claim, but, on the contrary, was rather an abuse, particularly as the vessel had only a third part of her crew citizens of the United States, which was a violation of American law.

3rd. That in the case now under consideration, the seizure of the vessel was only a natural consequence of the conduct of Schubert Brothers, and of the contract with the President of Panamá under which they were acting, because the revolutionists well knew that if they did not take possession of her, she would be used by President Correo, thus making of the *Montijo* an element of war of the Government of Panamá.

4th. That it has not yet been proved that Herrera and Diaz took the steamer by force and against the will of the owner, because the only proof alleged is to be found in the affidavits of the persons interested in the present claim and therefore invalid, and also because there is a contradiction in the evidence given by John Schubert, one of the owners.

5th. That Schubert Brothers navigated their vessel in the waters of Colombia under a foreign flag without obtaining the permission which, under penalty of confiscation, is required by a Decree of the

13th of May, 1862. This permission, it is alleged, Schubert Brothers knew to be necessary, as they obtained it to the contract of the 15th of December, 1869, from the President of Panamá, who, however, had no legal power to grant it, because such authority belongs only to the Government of the Union.

6th. That the President of Panamá, in virtue of his constitutional authority, issued, on the 18th of May, an amnesty in which were included Herrera, Diaz, and the other participators in the local revolution; that, in consequence of this amnesty, no judicial proceedings could be instituted against them (as the Judge declared), in any case in which a foreigner, even if strictly neutral, might have ground of complaint; that the authority by which the amnesty was granted assumed voluntarily the obligation of paying to Schubert Brothers the sum due by the revolutionists for the use (acquiesced in and indirectly authorized) *consentido e indirectamente autorizado* by John Schubert of the vessel. That, for these reasons, the claim of Messrs. Schubert Brothers can only be considered as an attempt to recover from the Federal Government, in a largely increased form, the account which they could not obtain from the Government of Panamá, but with which the Government of the Union has nothing to do, as it is a private debt, and moreover, one of vicious origin, the recognition of which would establish a ruinous precedent.

The Undersigned proceeds to reply to these reasons, in their order, with all the deference justly due to the honourable and distinguished gentleman from whom they emanate.

To reason No. 1: as regards the alleged domicile in Panamá of the Messrs. Schubert, the Undersigned must remark that there is perhaps no point of international law on which more difference of opinion exists than on that of domicile. It is, therefore, extremely difficult to lay down an absolute and invariable rule respecting it. Long and continued residence will not of itself constitute it. On the contrary, it is well understood that domicile may exist for commercial purposes without a person ceasing to be bound by his allegiance to the country of his birth or adoption. (Felix: "Droit International Privé.") That a distinction may be lawfully made between domiciled persons and visitors in and passengers through a foreign country is not to be lost sight of, because it must affect the application of the rule of law which empowers a nation to enforce the claims of its subjects in a foreign State, but even in this case the application of the right is only a matter of degree, as it undoubtedly exists in cases of flagrant violation of justice. (Phillimore: "International Law," vol. ii, pp. 25 and 26.) It would, therefore, seem that even in the case of domiciled foreigners, the nation to which they belong, by birth or adoption, has a right to

interfere on their behalf whenever, in its judgment, the ill-treatment inflicted is of a sufficiently serious character to warrant it.

But, in the case of the owners of the *Montijo*, the Undersigned is not aware of the existence of any evidence that they were or intended to be domiciled in Colombia. That they have lived for many years, it is stated since 1849, in Panamá, is, no doubt, true; but it is equally so that they have constantly gone backwards and forwards between that city and the United States, that one of them, at least, passes with his family all his summers in New York, where he pays taxes on a considerable amount of real property, and that in the case of neither has there been the *animus manendi* or evident intention to fix on Colombia as his home, which constitutes one of the chief reasons for determining the question of domicile. The Colombian Arbitrator does not allege that they have become naturalized in the Republic; it is not said that they have voted at elections or exercised other privileges of citizenship. The Undersigned has, therefore, a right to suppose that they have not done so. It is, moreover, certain that in the opinion of the Government of the United States of America the Messrs. Schuber have not ceased to be citizens of the Republic. The fact of the presentation of a claim on their behalf by the Minister of the United States, after careful examination of the case and discussion between the Cabinets of Washington and Bogotá and their agents respecting it, is sufficient proof that they are still considered as citizens of the United States, and that Colombia has acquiesced in their being so regarded.

Therefore, as regards the first reason of the Colombian Arbitrator the Undersigned decides:

1st. That the Messrs. Schuber cannot be considered as domiciled in Colombia; and

2nd. That, even if they were so domiciled, the Government of the United States would still have the right, under certain circumstances, to extend to them its protection.

He will add, as an illustration of this latter point, that there lives at this moment in Bogotá a foreigner who has resided here for at least 40 years with only one very brief absence. Two years ago it became necessary for that foreigner to invoke the aid of the Government of which he is a subject in defence of his rights. That assistance was given without hesitation, and was certainly not objected to by the Government of Colombia on the ground of the domicile of the foreigner.

Reply to reason No. 2:—

It is evident that the Messrs. Schuber chartered the *Montijo* to various Governments of the State of Panamá, as described by the Arbitrator of Colombia: in April and May, 1868, to the Constitutional Government; in July, 1868, to a *de facto* Government; and in

December, 1869, to the Constitutional Government of Señor Correoso. It is also alleged that in August, 1868, the *Montijo* brought to Panamá from David, in concealment, José Aristides Obaldia, who was planning a revolutionary movement against the Government of the State, and that the said Obaldia returned to David, still in concealment, in the same vessel. There is no doubt that Messrs. Schuber were paid for such services. But the Undersigned fails to see how the charter of a vessel to the Government of a State or country constitutes a breach of her neutrality. It will surely not be contended that a Government is to be the only entity which is debarred from acquiring by hire or purchase any article of which it may stand in need. If this were the case, a Government could never buy a musket, or a bale of cloth or a barrel of flour for the use of its troops without subjecting the vendor, if a foreigner, to the penalties of violating his neutrality, or, if a native, to those of losing his property should the Government be subsequently displaced by a revolutionary movement.

So far the general principle.

In the cases alleged as against the *Montijo* it is to be observed that all the charters were made with what, to the owners, was the Government of the State. One of these Governments is called, it is true, by the Colombian Arbitrator, a Government *de facto*; but it is not the part of a foreign merchant to decide on the legitimacy or the reverse of the Government under which he lives. To do so would be really to interfere in the domestic concerns of the country. He has only to satisfy himself that the Government with which he deals is the one actually in possession of supreme power. That done, he is at perfect liberty to enter into contracts with it without losing his neutrality. This is too obvious to require argument. It happens constantly under all sorts of Governments, arbitrary, constitutional, monarchical, and republican.

That for political reasons a foreign Government may not see fit to recognize, except at its own time and convenience, a change in the administration of public affairs in another country is, of course, true. But the ordinary foreigner resident for purposes of business or pleasure has no such privilege. To him the Government *de facto* is the Government *de jure*. He owes it obedience and can claim from it protection.

As regards the affidavit of Ricardo Araujo, José Manuel Russel, and José E. Diaz, that José Aristides Obaldia was a passenger in concealment in the *Montijo* in August, 1868, both from and to David, when he was engaged in some revolutionary movement, it would, in the opinion of the Undersigned, be necessary, in order to establish a breach of neutrality, to show that on this occasion the *Montijo* was chartered for the purpose of bringing Señor Obaldia to Panamá

and taking him back to David. That a solitary passenger should embark in a vessel engaged in her regular traffic, should arrive at a certain place, transact his business there (be it peaceful or revolutionary), and return in the vessel on her next trip to the place from which he started, could scarcely justify a charge against the owners of the ship of a breach of neutrality. As to the concealment, it is not alleged, much less proved, that the owners or the captain were parties to it. A passenger might easily, by remaining in his cabin or by keeping out of the way when an inconvenient visit was made, be said to be "in concealment," without the captain taking part in or perhaps being even aware of his intentions.

The Undersigned cannot, therefore, admit that in any of the cases cited by the Colombian Arbitrator the *Montijo* has violated her neutrality by taking part in civil contests.

The Undersigned has entered into the details of these cases more out of deference to the elaborate argument of the Colombian Arbitrator than out of the belief that such minute examination was really called for from him. In his opinion a simpler solution could be found of the point in dispute. This is, that the *Montijo* cannot possibly be held responsible in 1871 for events which took place in 1868, with which those of the later date were in no way connected.

Even if it be granted, for the sake of argument, that these contracts with a legitimate or a *de facto* Government for the conveyance of troops or munitions of war were of questionable propriety, the time has gone by for making them a ground of complaint against the *Montijo*. That vessel was chartered as has been above described, she was paid the sums stipulated in the charters. No complaint has ever been made by any of the Governments of Panamá, or by that of the Union, against her proceedings. If, during the performance of these contracts, she violated her neutrality, she might have been proceeded against at law, her captain and crew might have been punished; she might, at least, have been prevented from pursuing the same course in the future. But nothing of this has happened. Each party seems to have been satisfied with its bargain. The vessel was chartered for a given time, or for a given purpose for a given sum. Each party to the contract has complied with its conditions. There is, therefore, no connection between the acts of 1868 and those of 1871.

The Undersigned is aware that the object of the Colombian Arbitrator has been to show the general character of the *Montijo*, but he is compelled to remark that a good or a bad reputation is not a reason for condemning or acquitting a criminal. It can only be received in mitigation or aggravation of a punishment.

For these reasons the Undersigned is obliged to decide that there was no violation of neutrality in the proceedings of the *Montijo* in

1868, and that, even had there been, her owner cannot be held responsible in 1871 for them, especially as there is no similarity between the one and the other.

There remains to be noticed the allegation of the Colombian Arbitrator that the *Montijo* was not entitled to be reputed as an American vessel because only a third of her crew were American citizens, and that this is a violation of a law of the United States. The Undersigned must remark, first, that this is rather a question for the Government of the United States than for this Tribunal of Arbitration; and, secondly, that it constantly happens that the requirements of such a law *cannot* be carried out, owing to the impossibility of procuring such citizens. The meaning of the law is that the vessel, *when she leaves an American port*, shall have a certain proportion of her crew of the class required by its provisions. It would be absurd to condemn a vessel to enforced idleness in a foreign port because, owing to desertion or death, or any other cause, that proportion had been disturbed, and American citizens could not be obtained to supply their places. Before the repeal of the British Navigation Laws the same condition was exacted as regards British vessels, but it was always understood that "circumstances alter cases," and that a vessel might lawfully navigate with such crew as she could get at a distance from home. The Undersigned cannot go behind the undoubted fact that the Government of the United States considers the *Montijo* as an American ship. On this point it is the sole judge.

Reply to reason No. 3:—

As the Undersigned has been unable to admit that the *Montijo* had forfeited her neutrality, it follows as a matter of course that he cannot accept the statement of the Colombian Arbitrator that Señores Herrera, Diaz, and others were justified in seizing her. That these gentlemen may have been right in considering her as an "element of war," which might and probably would have been used against themselves, and that, on the principle of self-preservation, they acted on a natural impulse in taking possession of her, is freely admitted, but this is surely no reason for not paying for her. Had the Government of Panamá complied with its engagements to remunerate her owners (Article 7 of the Treaty of Peace), this claim would not have arisen. But the Undersigned can see no possible ground for the owners of the *Montijo* being the losers, because first the revolutionists and subsequently the Constitutional Government of Panamá failed in their promises.

He is, therefore, under the necessity of expressing his dissent from the conclusion of the Arbitrator of Colombia contained in his third reason for holding his Government exempt from responsibility.

Reply to reason No. 4 :—

The Arbitrator of Colombia asserts, in the first place, that it has not been proved that Herrera and Diaz took the steamer by force and against the will of the owners, because the only proof alleged is to be found in the affidavits of parties interested in the present claim, which are, *pro tanto*, invalid ; and, secondly, because there is a contradiction in the evidence given by John Schuber, one of the owners.

To the first of these allegations the Undersigned replies that, although independent testimony of any fact is always desirable, there are many cases in which it cannot be procured. But this is no reason for excluding the evidence of eye-witnesses of and participators in a transaction on the ground that they may be interested, pecuniarily or otherwise, in its solution. To render such testimony invalid it would be necessary to prove a notorious absence of credibility in the witnesses, or a manifest combination or conspiracy on their part to swear falsely. It would surely not be held that in a trial for mutiny committed on board of a ship on the high seas, the evidence of a portion of the crew could not be received against another portion because the informants might expect a reward from the owners, or a share in the property which they might have contributed to save by their resistance to the mutineers.

But it is to be borne in mind that there is another and independent witness of the capture ; the affidavit of Agustin Castellanos, a native of Cuba, but a naturalized citizen of the United States, who was on board of the *Montijo* and who did not in any way belong to her crew, distinctly states that the hoisting of the American flag by order of Herrera and Diaz as a signal to a schooner which was lying in the offing and which proved to be laden with men and supplies for the revolutionists, was done in absolute opposition to the wish of the captain of the *Montijo*, who even put the flag away in his own cabin to ensure its safety. It is true that the Arbitrator of Colombia asserts that this affidavit being only made before the Consul of the United States, without the intervention of any Colombian authority, would not be valid before a tribunal of the Republic. But this Court of Arbitration is not a Colombian tribunal, but an international one. It consequently rests with the Arbitrators alone to decide what evidence they will receive or reject, and the Undersigned, as the final referee, cannot see any reason for setting aside the declaration on oath of a respectable person, entirely impartial in the matter, against whose right to be believed on his oath no allegation is or has been made. The Undersigned is of opinion that, even if there were no other evidence that the *Montijo* was taken possession of against the consent of her owner and commander, the affidavit of Señor Castellanos would of itself suffice to prove that such was the case.

As regards the contradiction which is stated to exist between the two affidavits of Mr. John Schubert, the Undersigned admits that there is some discrepancy, as in the one Schubert declares that the life of the captain was threatened by Herrera and Diaz with revolver in hand, whilst in the other he affirms that neither Herrera nor Diaz threatened the captain with arms, although their companions had them in their possession.

But whilst allowing, as the Undersigned does, that the two versions of the same act do not entirely correspond with each other, he must observe that the main fact of the opposition of the captain to the delivery of the flag remains untouched. Whether Herrera or Diaz or their followers were or were not armed, whether, being armed, they or any of them did or did not menace the captain with the use of their weapons, does not affect the point at issue. The volume of proof that the *Montijo* was taken from the owners against their consent is so overwhelming, the facts connected with her retention by the revolutionists so notorious, that the Undersigned will eliminate altogether from the record the affidavit of John Schubert. It shall be to him as if it had never existed.

For these reasons the Undersigned is compelled to consider the evidence furnished by the captain and engineer of the *Montijo* and by Agustin Castellanos as quite unimpeachable. He has no doubt that the vessel was taken against the wishes of the owner and captain. That no actual violence, in the sense of coercion by deadly weapons, was used is doubtless true, but the Undersigned is quite convinced that moral pressure was exercised, and that the American flag was only surrendered by Captain Saunders because he could not help himself.

Reply to reason No. 5:—

The Arbitrator of Colombia lays much stress on the fact that the *Montijo* was navigated in the waters of Colombia under a foreign flag without obtaining the licence which, under penalty of confiscation, is required by a Decree of the 13th of May, 1862. It is true that in the contract of the 15th of December, 1869, a permission was given by the President of Panamá; but it is contended that this official had no authority to grant it, the power being reserved to the Government of the Union. In connection with this branch of the subject it is further urged by the Arbitrator of Colombia, supported by the opinion of the Honourable the Attorney-General, that the "coasting trade" (*comercio de cabotaje*) being forbidden to foreign vessels in Colombia and expressly prohibited by Article III of the Treaty of 1846,* between the United States and Colombia, no claim can be presented by the owners of the *Montijo* for consequences resulting from their violation of this arrangement between the two nations.

The Undersigned will examine these arguments in inverse order.

As regards the term coasting trade (*comercio de cabotaje*) it is scarcely correct to say that it is *forbidden* by either party to the vessels of the other. The words of Article III of the Treaty are, "But it is understood that this Article does not include the coasting trade of either country, the regulation of which is *reserved* by the parties, respectively, according to their own separate laws." It is clear from this reservation that it was lawful for each party to the Treaty to open the coasting trade to the other if it saw fit, at any time, to do so. But the Undersigned, whilst feeling it a duty of courtesy to advance this opinion in reply to the argument of the Colombian Arbitrator, really attaches little importance to the point, as he agrees with the counsel of the United States of America that the voyages of the *Montijo*, either in the interior waters of the State of Panamá or from Panamá to Buenaventura or Tumaco, are not rightly described by the term *comercio de cabotaje*. The argument of the Honourable Mr. Scruggs on this point appears to the Undersigned both exhaustive and convincing. For the sake of brevity he does not incorporate it into this decision, but he recommends its study to every one who takes an interest in this case. He presumes that it will be published with the other papers. The most that the trade of the *Montijo* can be called is one of *comercio costanero*, which is certainly not prohibited or even provided for by the Treaty.

But it is further alleged that in order for a foreign vessel to carry on this limited traffic as described above, the consent of the Government of the Union was necessary, and that the *Montijo* incurred the penalty of confiscation by not obtaining it. The Undersigned does not deny that a Decree to that effect undoubtedly exists, but he is compelled to ask, why was it not enforced? It is surely too much to expect that a foreign vessel should inform against itself or insist on complying with the terms of a law or a decree which the authorities of Colombia, Federal and State, allowed to be disregarded and violated for a series of years. No one can be allowed to take advantage of his own wrong. The execution of the laws of Colombia clearly belongs to her own officers, and if, as in the present case, these latter failed to enforce them, the blame must rest with the real delinquents and not with the owners of a foreign vessel. For years previous to the events of 1871 the *Montijo* seems to have made her voyages without the permission above alluded to; for years afterwards the Undersigned believes that she continued to do the same. She may be doing so now, although the Undersigned has heard that she was wrecked some time ago, and he is not aware whether she was subsequently saved. If the laws of Colombia are

so loosely administered as to allow, with the full knowledge of the Federal and State authorities of Panamá, a foreign ship to perform for years acts which are forbidden by those laws, the Undersigned cannot consent to punish the foreigner and acquit the native.

Nay more, in the contract of 1869 the President of the State of Panamá distinctly permitted the *Montijo* to carry on this trade. If, as is alleged, he had no right to do so, he should have been reproved by the General Government and his contract declared invalid. But no such steps were taken. The maxim that "Silence gives consent" is entirely applicable to this case, and so the Undersigned must decide.

He will add his belief that the arrangement by which the *Montijo* traded under the flag of the United States was a convenient one to both parties. To the *Montijo*, because it ensured to her owners the protection of a great and powerful country; to the authorities and people of Panamá, because the flag increased the probabilities that she would not be interfered with by revolutionary movements whilst she was performing a great service to Panamá by her traffic with the northern part of the State, especially by supplying the capital with cattle. It is well known to the Undersigned, by his experience of this and other countries where constitutional liberty and settled Governments are not yet as firmly consolidated as their friends could wish, that on the slightest appearance of danger, property of every kind, from valuable estates down to a horse or diamond ring, are transferred to the custody of foreigners, who are made to appear as the real owners. The Undersigned considers such transactions as those just described as an open fraud, and neither has admitted nor ever will recognize them when, as has been the case, they are brought to his official knowledge, but no one will deny that they exist. In the case of the *Montijo* there was, of course, no such deceit, as she is *bonâ fide* the property of foreigners.

It follows that if the law has been broken, both parties are in fault, the authorities of Colombia in a greater degree, as it was their duty to enforce the laws which were committed to their keeping.

For these reasons the Undersigned cannot attach weight to the reasoning and deductions of the Arbitrator of Colombia.

Reply to reason No. 6:—

The ground assumed by the Arbitrator of Colombia on this point seems to be that as a general amnesty in favour of Messrs. Herrera, Diaz, and all other persons concerned in the attempted revolution of April and May, 1871, was subsequently granted by the President of the State of Panamá, in the exercise of his constitutional powers, no judicial proceedings could be instituted against the revolutionists, and consequently that no compensation for injuries done by them could be recovered from them by either foreigner or native.

To this argument the Undersigned sees two objections:—

The first is that, even in the absence of any express stipulation to that effect, the grantor of an amnesty assumes as his own the liabilities previously incurred by the objects of his pardon towards persons or things over which the grantor had no control. In the present case it will scarcely be contended that the captors of the *Montijo* had any right, beyond that emanating from a revolutionary movement, to take the vessel from the dominion of her owners. By the terms of the Treaty with the United States it is clearly stipulated that “the citizens of neither of the Contracting Parties shall be liable to any embargo, nor be detained with their vessels, cargoes, merchandize, or effects for any military expedition, nor for any public or private purpose whatever, without allowing to those interested an equitable and sufficient indemnification.” If, therefore, the captors had no right, before the amnesty, to take the *Montijo*, it is evident that the President of Panamá could not by the terms of that document confer it on them. *They*, therefore, are liable to the owners for the expenses incurred and damages occasioned. If no amnesty had ever been granted, and had Herrera, Diaz, and their associates been honestly and effectively proceeded against in the courts of the Republic, and cast in damages towards the owners, the aspect of the case would have entirely changed. It would have been, at least, an open question whether their possible or even notorious inability to pay those damages would have rendered Colombia at large responsible for their acts. But the amnesty deprived the Messrs. Schuber of the power of trying the question. Therefore the President of Panamá, having no right to dispose of interests which were not his property and which, on the contrary, he was bound by a public Treaty to protect, assumed the responsibility, to the owners of those interests, of the persons by whom they had been injured. It is an old saying that one must be just before one is generous. In Spanish the version is, “La bolsa ajena es muy franca,”—It is easy to pay one’s debts out of another man’s purse.

This brings the Undersigned to the second ground for dissenting from the decision of the Colombian Arbitrator on the point now under consideration.

This is, that the Treaty of Peace, of which the amnesty forms a part, contains in its seventh Article a distinct engagement that the Government of Panamá will pay for the use of the *Montijo*. The Undersigned considers this fact so important and conclusive that he contents himself with putting it on record without further comment. Why the engagement was not carried out the Undersigned cannot say. That Arbitrators were appointed to fix the amount, and that they came to a decision respecting it, is on record. But their sentence was apparently not ratified; at any rate, it was not carried

out. The State of Panamá, therefore, remains to this day responsible, both by implication and by express engagement, for the acts of the revolutionists in this matter.

There remains to be considered the concluding portion of the sixth reason advanced by the Colombian Arbitrator, which is that the Government of the Union cannot be held answerable for the failure of that of Panamá to compensate the owners of the *Montijo*, because the former has no connection (*solidaridad*) with private debts, especially with those which have, as in the present case, a vicious origin.

To this the Undersigned replies first that, in his opinion, the Government of the Union has a very clear and decided connection with the debts incurred by the State of the Union towards foreigners whose Treaty rights have been invaded or attacked; and secondly, that the debts so incurred by the separate States are in no way private, but on the contrary entirely public in their character.

As regards the first point it cannot be denied that the Treaties under which the residence of foreigners in Colombia is authorized, and their rights during such residence defined and assured, are made with the General Government, and not with the separate States of which the Union is composed. The same practice obtains in the United States, in Switzerland, and in all countries in which the Federal system is adopted. In the event, then, of the violation of a Treaty stipulation it is evident that recourse must be had to the entity with which the international engagement was made. There is no one else to whom application can be directed. For Treaty purposes the separate States are non-existent; they have parted with a certain defined portion of their inherent sovereignty, and can only be dealt with through their accredited representative or delegate, the Federal or General Government.

But, if it be admitted that such is the theory and the practice of the Federal system, it is equally clear that the duty of addressing the General Government carries with it the right to claim from that Government, and from it alone, the fulfilment of the international pact. If a manifest wrong be committed by a separate State, no diplomatic remonstrance can be addressed to it. It is true that in such a case the resident Consular officer of a foreign Power may call the attention of the transgressing State to the consequences of its action, and may endeavour by timely and friendly intervention on the spot to avoid the necessity of an ultimate application to the General Government through the customary diplomatic channel; but should this overture fail, there remains no remedy but the interference of the Federal Power, which is bound to redress the wrong, and, if necessary, compensate the injured foreigner.

If this rule, which the Undersigned believes to be beyond dis-

pute, be correctly laid down, it follows that in every case of international wrong the General Government of this Republic has a very close connection with the proceedings of the separate States of the Union. As it, and it alone, is responsible to foreign nations, it is bound to show, in every case, that it has done its best to obtain satisfaction from the aggressor.

But it will probably be said that, by the Constitution of Colombia, the Federal Power is prohibited from interfering in the domestic disturbances of the States, and that it cannot, in justice, be made accountable for acts which it has not the power, under the fundamental charter of the Republic, to prevent or to punish. To this the Undersigned will remark, that in such a case a Treaty is superior to the Constitution, which latter must give way. The legislation of the Republic must be adapted to the Treaty, not the Treaty to the laws. This constantly happens in engagements between separate and independent nations. For the purposes of carrying out the stipulations of a Treaty special laws are required. They are made *ad hoc*, even though they may extend to foreigners privileges and immunities which the subjects or citizens of one or both of the Treaty-making Powers do not enjoy at home.

That, under such a rule, apparent injustice may occasionally be committed, is probably true. But it is more apparent than real. It may seem, at first sight, unfair to make the Federal Power and, through it, the taxpayers of the country responsible, morally and pecuniarily, for events over which they have no control, and which they probably disapprove or disavow; but the injustice disappears when this inconvenience is found to be inseparable from the Federal system. If a nation deliberately adopts that form of administering its public affairs, it does so with the full knowledge of the consequences it entails. It calculates the advantages and the drawbacks, and cannot complain if the latter now and then make themselves felt.

That this liability of the Federal Power for the acts of the States may produce to the nation at large the gravest complications is matter of history. Probably the most serious case of this inconvenience on record is that of a British subject named McLeod, whose arrest and trial by the State of New York nearly involved Great Britain and the United States in a war. During the Canadian Rebellion an American steamer called the *Caroline*, which had been engaged in carrying arms to the rebels, was boarded in the night by a party of Loyalists, set on fire and driven over the Falls of Niagara. In this affray an American citizen lost his life. In January, 1841, Alexander McLeod, a British subject, was arrested whilst engaged in some business in New York State, and imprisoned on a charge of murder because, as was alleged, he was concerned in the attack on the vessel. The British Government demanded his release on the

ground that he was acting under orders, and that the responsibility rested with Great Britain and not with the individual. The Secretary of State of the United States replied that his Government was powerless in the matter, as it could not interfere with the tribunals of the State of New York. Great Britain then caused it to be distinctly understood that the condemnation and execution of Mr. McLeod would be immediately followed by a declaration of war. Lord Palmerston, then Secretary for Foreign Affairs, told Mr. Stevenson, United States' Minister in London, that such would be the case. Great efforts were made by the friends of peace, and as much pressure as could properly be applied to the State of New York was brought to bear, and McLeod was acquitted. But two great and powerful nations were on the verge of a disastrous war because the Federal Power was held liable for the acts of a separate State.

As regards the second point made by the Colombian Arbitrator, that the debts incurred to foreigners by the separate States of the Union are private in their character, the Undersigned can only express his dissent from the doctrine. If an engagement, pecuniary or other, made by the constitutional head of a State, acting, as in the present case, "in virtue of powers conferred by law," is to be considered in the same light as an ordinary mercantile debt and only to be recoverable in the same manner, the possibility of a State contracting with either native or foreigner would soon be reduced to very narrow limits. The chances of repayment would depend on the stability of the contracting Government, and this of itself would introduce an element of considerable uncertainty into such transactions.

The Undersigned holds that all debts contracted by duly authorized officers of a given State are essentially public in their character, and that their non-payment can be made subject of remonstrance by a foreign nation should the engagements be contracted with its subjects or citizens. It is quite true that Great Britain, the greatest lender of money in existence, does not feel herself bound to interfere on behalf of her subjects in every case where they may have lent money to foreign countries, as she holds, as a general rule, that they may be left to find their own remedy for their own imprudence; but she explicitly declares that this abstention on her part is a mere matter of discretion, and that she has the undoubted right to interfere whenever she may see fit to do so.

As regards the "vicious origin" of the present debt the Undersigned does not view it in that light: he cannot, therefore, agree with any deductions from that assumption.

For these reasons the Undersigned holds, as a general principle, that the Government of the Union is responsible in certain cases for the wrongs inflicted on foreigners by the separate States, and that debts contracted by the constituted authorities of those States are not

private in their character; he is compelled, therefore, to dissent from the sixth reason of the Colombian Arbitrator.

The Undersigned has now reviewed, to the best of his ability, the able and elaborate arguments of the Honourable the Arbitrator of Colombia on this question. He wishes that he could have brought to the task the same brilliant qualities which Señor Tanco has so liberally displayed, and it would have been agreeable to him to have concurred in the views of a gentleman whom he so highly esteems.

The next step in the discharge of the duty which the Undersigned has contracted is the examination of the opinion of the Honourable the Arbitrator of the United States of America. This, however, is an easy task, as the Undersigned fully concurs in and adopts that opinion as in conformity both with public law, as understood by him, and with the justice of the question in dispute.

Mr. Koppel asserts the responsibility, to the claimants, of the Government of the Colombian Union, and fixes the pecuniary amount which results from that responsibility. Although the Undersigned may see reason to differ from the Arbitrator of the United States on this latter point, he expresses his entire concurrence in the former. He believes, moreover, that the enlightened and moderate views held and ably advocated by Mr. Koppel will be cheerfully accepted by the Government and people of Colombia, however unpalatable it may naturally be to them to be found liable in pecuniary damages. This fact, however, reflects no disgrace upon the nation; on the contrary, the conduct of Colombia is calculated to advance her reputation in the eyes of the world, as it shows her willingness to adopt, for the solution of difficulties, the enlightened course which has found favour, especially of late years, with powerful countries which could have trusted with confidence to the arbitrament of the sword.

The task of the Undersigned approaches its conclusion. He has reviewed, in the one case, in considerable detail, in the other in a much briefer form, the opinions of the two Honourable Arbitrators of Colombia and the United States of America. It remains for him to give his own decision on the two points to which the Convention of Arbitration limits his labours.

These are:—

1st. Whether Colombia, as represented by the Government of the Union, is or is not responsible to the owners of the *Montijo*, her captain, officers, and crew, for the events which have given rise to this Arbitration?

2nd. If she be so responsible, then in what sum is she indebted?

As regards the first point the Undersigned *decides*:—

That Colombia is responsible to the owners of the *Montijo*.

That Colombia is not responsible to one of the owners (Mr. John

Schuber), to the captain, officers, or crew, for personal damages as claimed by them.

As regards the second point the Undersigned *decides* :—

That Colombia is responsible to Messrs. Schuber, owners of the *Montijo*, in 33,401 dollars, being

| | |
|--|--------|
| For the use of the steamer by Messrs. Herrera, Diaz, and | Dols. |
| their followers for 43 days at 500 dollars a day | 21,500 |
| For the use of the steamer by the Government of Panamá for | |
| 20 days before she was restored to her owners at 500 dollars | |
| per day | 10,000 |
| For certain necessary repairs | 1,901 |
| | <hr/> |
| | 33,401 |

The Undersigned will give his reasons for the above decisions.

As to the first point he is compelled to decree the responsibility of the Colombian Government because (A) it is the natural heir (if the expression may be permitted) of the liabilities of the State of Panamá towards the owners of the *Montijo*. That this vessel was, at the time of her capture by Herrera and Diaz, engaged in the prosecution of a perfectly lawful and peaceful voyage there can be no doubt. With what she may have done in years gone by, with what she may have intended to do in some contingency which had not arisen, and did not subsequently arise, this Tribunal can have nothing to do. She was on the 5th of April, 1871, performing, with the full consent of and under special contract with the Constitutional Government of the State of Panamá, a lawful voyage. That voyage was forcibly interrupted, the dominion of the owners was disturbed, she passed out of their control and was not restored to it for a period of 63 days. It is clear, on every principle of the plainest justice, that “some one” ought to pay for this act and for its consequences. That “some one” could not be Herrera and Diaz, because their responsibility was saved by the Treaty of Peace and its accompanying amnesty. We have then to fall back on the State of Panamá which granted the amnesty and stipulated, moreover, as one of the conditions of the Treaty of Peace, that it would pay for the use of the *Montijo*; but that State has, for its own reasons, failed to do so. It is then to the General Government alone that the claimants can apply. As the final result of such application the Undersigned decides that the said Government is liable.

But there is another and a stronger reason for such liability. This is (B) that the General Government of the Union, through its officers in Panamá, failed in its duty to extend to citizens of the United States the protection which, both by the law of nations and by special Treaty stipulation, it was bound to afford. It was, in the opinion of the Undersigned, the clear duty of the President of

Panamá, acting as the constitutional agent of the Government of the Union, to recover the *Montijo* from the revolutionists and return her to her owner. It is true that he had not the means of doing so, there being at hand no naval or military force of Colombia sufficient for such a purpose; but this absence of power does not remove the obligation. The first duty of every Government is to make itself respected both at home and abroad. If it promises protection to those whom it consents to admit into its territory, it must find the means of making it effective. If it does not do so, even if by no fault of its own, it must make the only amends in its power, viz., compensate the sufferer.

For these reasons the Undersigned holds Colombia liable to the owners of the *Montijo*. The sum of 500 dols. a day has been fixed, because that amount seems to have been constantly agreed upon between the Governments of Panamá and the Messrs. Schuber as a fair price.

But the Undersigned, whilst deciding on the liability to the owners, does not see any necessity for indemnifying either Mr. John Schuber, the captain, the engineer, or the petty officers and crew of the *Montijo*. No personal injury seems to have been suffered by any of these persons, and the inconvenience they experienced appears to have been small. In the case of the officers and crew probably there was none at all. The wages of all of these latter have doubtless been paid by the owners, so that it really must have been a matter of indifference to them whether they were sailing under the orders of Captain Saunders or of Señor Herrera.

As to Mr. John Schuber, the Undersigned can scarcely consider as a case of false imprisonment his retention on board of his own vessel. That he was not a free man is true, and that he suffered some inconvenience, and possibly some loss of business, by the act of which he complains, is probably the case. It is also possible that a court of law might consider him entitled to personal damages. But the Undersigned believes that a Tribunal such as this is may lawfully exercise considerable discretion of its own, and decide rather on broad general principles than on a strict interpretation of written law. Such being his opinion, he concurs with the Arbitrator of the United States in striking out of the account presented by that Government the claims for personal damages of all the parties concerned.

As regards the opinion of the Arbitrator of the United States that interest at the rate of 5 per cent. per annum should be allowed from the 1st of January, 1872, to the date of payment of the claim, the Undersigned is not prepared to say that such an allowance would not be strictly justifiable. He nevertheless decides against it for the following reasons:—

First. Because there is no settled rule as to the payment of interest on claims on countries or Governments ;

Secondly. Because it seems open to question whether interest should accrue during the progress of diplomatic negotiations which are often protracted in their character ;

Thirdly. That this reason applies with special force to negotiations which result in an Arbitration or friendly arrangement ;

Fourthly. That, whilst doing what he considers strict justice to the claimants by giving to them the full value of the use of their vessel during her detention, he desires to avoid any appearance of punishing the Colombian people at large for an act with which very few of them had anything to do, and which affected no Colombian interests beyond those of a few speculators in revolutions in Panamá.

The repairs rendered necessary during the occupation of the vessel seem fairly to belong to the claim, for which reason the sum of 1,901 dols. is allowed.

The Undersigned wishes to point out that the sum now awarded is simply that which the Government of Panamá ought to have paid immediately that the vessel was returned to her owners, and for which it and the revolutionists against its authority received full value. If anything is to be paid at all, it can scarcely be less than the amount now awarded. It is true that the duty of payment is transferred from the State of Panamá to the Government of the Union ; but it is, of course, open to this latter, should it see fit to do so, to claim the sum for the National Treasury. If this course be pursued, and an offending State be held strictly accountable to the nation at large for all expenses caused by its local disturbances, the Undersigned believes that these will become less frequent and less violent in their character. That this of itself will be a great gain to the Republic, morally and materially, it requires no argument of the Undersigned to point out.

The Undersigned has decided, according to the best of his ability, this delicate and interesting question. If by his decision he has contributed to a fair and reasonable understanding of the relations existing, so far as foreigners residing in Colombia under Treaty stipulations are concerned, between the separate States and the General Government of the Union, he will be satisfied with his work. If, in conjunction with the honourable gentlemen, his colleagues in this Tribunal, he has succeeded in removing a cause of misunderstanding between Colombia and the United States, both they and he will feel that their labour has not been in vain.

The Undersigned desires to remark, in conclusion, that if he has only casually and even incidentally alluded in the course of this decision to the opinions and views of the Counsel for the respective

parties, the Honourable the Attorney-General of Colombia and the Honourable the Minister of the United States, it has not been from a want of appreciation of their distinguished merit, of their learning, or of their forensic ability; it has simply been because he has conceived his duty to lie exclusively in determining between the views of the two Arbitrators who did him the high honour to choose him for that purpose. The Undersigned acknowledges with profound gratitude the valuable assistance which he has derived from the arguments of the respective Counsel, although he has abstained, with two exceptions, from any allusion to them. That he could not agree with both is evident from his position as an Umpire. But he is fully sensible of the obligations under which he stands to both of those distinguished and learned gentlemen.

ROBERT BUNCH.

Bogotá, July 26, 1875.

CORRESPONDENCE respecting the Settlement of the Difficulty between China and Japan in regard to the Island of Formosa. —1874, 1875.

No. 1.—The Earl of Derby to Mr. Wade.

SIR,

Foreign Office, November 19, 1874.

I LEARNT with much satisfaction from your telegrams of the 30th ultimo and 1st instant* that you had succeeded in inducing the Chinese Government and the Japanese Commissioner at Peking to agree to an arrangement, by which China will pay to Japan 500,000 taels, and the Japanese troops will be withdrawn from Formosa; and I have great pleasure in expressing to you the high sense entertained by Her Majesty's Government of the service which you have rendered in thus bringing about a peaceful settlement of a dispute which might otherwise have produced results disastrous to the two countries immediately concerned, and injurious to the interests of Great Britain and the other Treaty Powers.

A telegram has been received from Sir H. Parkes stating that the agreement is entirely approved by the Japanese Government, and that they are much pleased with your action in the matter.

I am, &c.,

T. F. Wade, Esq.

DERBY.

No. 2.—Sir H. Parkes to the Earl of Derby.—(Received January 2, 1875.)

MY LORD,

Yedo, November 16, 1874.

I HAVE the honour to report that the Foreign Minister informed

* Reporting conclusion of the Agreement inclosed in No. 4.

me on the 24th instant that the Mikado wished to receive me on the following day.

I accordingly attended at the palace yesterday afternoon, and was received by His Majesty at a private audience. Only one Minister of the Household was in attendance.

His Majesty observed that he had wished to see me, in order that he might express to me his thanks for the good offices of Her Majesty's Minister at Peking. These had been rendered at a critical juncture, when friendly relations between Japan and China could not otherwise have been maintained, and had resulted in arrangements which were altogether satisfactory to Japan. His Majesty was very sensible of the advantage that Japan would derive from the preservation of peace, and requested me to convey to Mr. Wade his thanks for his timely and effective assistance.

In replying to His Majesty I observed that I was very sensible of the gracious manner in which he had been pleased to notice Mr. Wade's services, and that I should have much pleasure in conveying His Majesty's thanks to Mr. Wade, and also in reporting the same to your Lordship. I added that I felt sure His Majesty would see, from the spontaneous manner in which Mr. Wade's good offices had been rendered, how sincere was the friendship entertained for Japan by Her Majesty's Government, and also what important advantages may be derived from friendly foreign relations. If a foreign friend had not stepped forward at the crisis lately witnessed at Peking, China and Japan would in all probability have now been engaged in war. His Majesty might be aware that the possibility of hostilities between Japan and China had for some time past been regarded by me with deep concern; and His Majesty could therefore understand with what satisfaction I saw that this evil had been averted, that arrangements in every way satisfactory to Japan had been concluded, and that the blessings of peace had been secured to his country.

His Majesty appeared pleased with my observations. After the audience, the Minister in attendance informed me that Higashi Kurzé, a noble and a member of the Household, had been despatched on the 13th instant, with a message from His Majesty to General Saigo, in Formosa, directing him to withdraw the troops.

I have, &c.,

The Earl of Derby.

HARRY S. PARKES.

No. 3.—The Earl of Derby to Sir H. Parkes.

SIR, *Foreign Office, January 14, 1875.*

THE Japanese Minister, Wooyeno Kagenori, called upon me for the first time to-day, and took the opportunity to express to me

officially the thanks of his Government for the part which Mr. Wade had taken in preventing a rupture between China and Japan.

He could assure me, he said, that the service thus rendered would be gratefully remembered by his countrymen,

I made a suitable reply, saying that it was the wish, as it was the interest, of England to preserve peace and prevent unnecessary quarrels wherever English influence extended; and that it would have been a subject of deep regret to the people of this country if war had broken out between two States with both of which our political relations were thoroughly friendly, and our commercial relations, as we hoped, were destined to increase from year to year.

His Excellency's visit being of a complimentary character, no other business was touched upon.

I am, &c.,

Sir H. Parkes.

DERBY.

No. 4.—Mr. Wade to the Earl of Derby.—(Received Jan. 30, 1875.)

MY LORD,

Peking, November 16, 1874.

UPON the 6th instant the Prince of Kung addressed a circular despatch to the Legations, inclosing copy of the Agreement and Guarantee signed on the 31st of October, by the Grand Secretary Wênsiang and his colleagues, on behalf of China, and by the High Commissioner Okubo and the Minister Yanagiwara, on the part of Japan. I inclose translation, which I have authorized Mr. Medhurst to publish at Shanghae.

I saw the Prince at the Yamên on the 4th instant. His Highness was very full of acknowledgments.

I have, &c.,

The Earl of Derby.

THOMAS FRANCIS WADE.

(Inclosure.)—The Prince of Kung to Mr. Wade.

(Translation.)

Peking, November 6, 1874.

IN the matter of Formosa the British Minister was earlier put in possession of the correspondence relating to the expedition sent by the Government of Japan against the tribes [on that island]. An understanding having now been arrived at with the Government of Japan, by which the troops are to be withdrawn and the case closed,* all the correspondence is to be considered *non-avenue*, and the discussion dropped for evermore. The tribes on Formosa, whether reclaimed or unreclaimed, being alike within the dominions of China, it is of course the duty of the Chinese Government to bring them under control so as to secure the navigation [along their coasts] against any repetition of their atrocities: that so, friendly relations may be made to endure. It is now the duty of the Prince to com-

* The case of Japan against the savages.

municate to the British Minister copy of the Articles [of Agreement signed], and of the engagement [that they shall be fulfilled].

A necessary communication.

(*Inclosures annexed.*)—*Instrument recording the several Propositions considered by the two Contracting Parties, and the action which both agree shall be taken thereon.*—October 31, 1874.

(Translation.)

WHEREAS the subjects of every Government are entitled to its protection against injury, an obligation rests upon every Government to adopt measures by which their safety shall be provided for, and should any trouble have come upon [the subjects of] any particular Government, it is incumbent upon that Government to institute inquiry and take action.

Certain Japanese subjects having been wantonly murdered by the unreclaimed savages on Formosa, the Government of Japan regarding these savages as responsible, despatched a force against them to exact satisfaction. An understanding has now been come to with the Government of China that this force shall be withdrawn and certain further steps taken, all which is set forth in the 3 Articles following:—

ART. I. The present proceedings having been undertaken by the Government of Japan for the humane object of affording security to its own subjects, the Government of China will not therefor impute blame to it.

II. The Government of China will give a certain sum to compensate the families of the shipwrecked Japanese who were murdered [on Formosa]. The roads made and buildings erected by the Japanese on the ground the Government of China is prepared to retain for its own use, and it agrees to make a further payment on this account. The details of the engagements on these points will be elsewhere stated.

III. All correspondence that this question has occasioned between the two Governments shall be cancelled, and the discussion dropped for evermore. It will be the duty of the Chinese Government to take such steps for the due control of the savage tribes in the regions referred to as will for ever secure the navigation [along their coasts] against any further atrocities on their part.

Guarantee or Engagement referred to in the foregoing Instrument.—
October 31, 1874.

(Translation.)

PAPER attesting an engagement entered into.

In the matter of the savages of Formosa, reference being had to an understanding arrived at with the two Governments [of China and Japan] by the British Minister, Mr. Wade, and to the instru-

ment this day signed, recording the action to be taken respectively by the two parties thereto, the Chinese Government will at once give the sum of 100,000 taels to compensate the families of the shipwrecked Japanese who were killed. In addition to this, the Chinese Government will not fail to pay a further sum of 400,000 taels on account of the expenses occasioned by the construction of roads and erection of buildings which, when the Japanese troops are withdrawn, the Chinese Government will retain for its own use. It is further agreed that on (or by) the 20th day of the 12th month of the 7th year of the reign Ming Chih (Japanese style), and on the 12th day of the 11th moon of the 13th year of the reign Kung Chih (Chinese style),* the Government of Japan shall withdraw the whole of its troops, and the Government of China shall pay the whole of the money, neither party being behind the time now fixed. The payment of the sum guaranteed will not be completed by the Chinese Government so long as any part of the troops of the Government of Japan be not withdrawn.

This instrument is drawn up in guarantee of the Agreement. [It is in two parts whereof] each party to it retains one.

No. 5.—Mr. Wade to the Earl of Derby.—(Rec. January 30, 1875.)
(Extract.) *Peking, November 16, 1874.*

IN my previous despatch of this date I have inclosed translation of the Prince of Kung's circular of the 6th instant, formally communicating the text of the Agreement and Guarantee signed at the Tsung-li Yamên.

I propose briefly to review the course of the discussion closed by the Agreement, since the month of May last. My report of the proceedings up to that time has already been approved by your Lordship.

I had been careful to communicate to the Tsung-li Yamên whatever well-authenticated intelligence I received regarding either the Japanese expedition to Formosa or the attitude of the Japanese Government; but it was not until the end of July, on my announcing my intention to leave Peking on a visit to the ports, that certain Ministers of the Tsung-li Yamên came to speak to me spontaneously of the Formosan affair. Their object, apparently, was to sound me touching the views of foreign nations, and the possibility of their supplying themselves abroad with ships and munitions of war. I understood them to express a desire to submit the issue between them and Japan to arbitration; but in this, as the sequel showed, I was mistaken.

* 20th December, 1874.

I was obliged to repeat that, whatever the merits of the case, the sympathies of foreigners could not be strongly with China until the Treaties were better observed, and that the progressist tendency manifest in Japan again, by its contrast with the reactionary spirit of the Chinese, assuredly put the latter at a disadvantage in foreign opinion. On the whole, I cannot doubt that my language was discouraging to the idea that the cause of China would be supported abroad, and the conference bore no immediate fruit.

Somewhat later, however, I had occasion to draw the attention of the Ministers to the unguarded language of certain official documents relating to the Japanese question. As the Chinese certainly did not desire war with Japan, nothing could be less wise, of course, than to speak and write in a fashion that was not unlikely to produce irritation.

This brought us nearer together again, and after a long conversation, in which, as I understood them, the Chinese Ministers again expressed a desire to invite foreign Representatives to unite in arbitration on the 12th of August, I laid before them a memorandum on that subject.

The news from Japan had become much more warlike. There had been reported a collision in Formosa. The Japanese General and the Chinese Commissioner had been discussing an indemnity, as far as I could learn, to no purpose. The Minister Yanagiwara had left Shanghai for Peking, as the Chinese affirmed, in the middle of a correspondence with the Chinese Commissioner. Great preparations for war were known to be making in Japan. The Chinese were, on their side, arming for resistance. I became convinced that war was imminent, and believing that if such a blow as I apprehended were struck, the consequence would be most serious to all foreign interests, merchant or missionary, I suggested to the Yamên that foreign Powers should be at once appealed to, to neutralize for a given time the coasts and rivers of China. This, however, I observed, would involve an understanding to act together on the part of the Powers addressed. The action they were asked to take would commit them to no small trouble or expense; it might be certain, therefore, that they would accept no engagement of the kind without a *quid pro quo* were secured them. The interests of England, as the Ministers were aware, were exclusively commercial.

After some further discussions, I wrote, on the 28th September, a note to the Prince of Kung, in which, after accounting for my advice, past and present, I put 5 questions, designed to ascertain, first, Whether the Chinese really desired arbitration at all? If so, what point would be submitted to the arbitrators? Whether there was ground for believing that the Japanese would agree to arbitration? Whether the Chinese Government would make any over-

tures, and, if so, what, to the Japanese? What course, if a rupture ensued, the Chinese Government would follow?

In a short but courteous reply, of which I inclose translation, the Prince informed me that the Ministers would call at the Legation for explanations. This they did, but my questions remained in effect without answer.

M. de Geofroy had now returned. He had declared his perfect readiness to co-operate in bringing about an arbitration. He, too, had believed that the Chinese desired arbitration. For a time I had reason to think it possible, moreover, that, through M. de Geofroy, overtures might be made from the Japanese side. The High Commissioner Okubo was accompanied by a French "légiste" named Boissonade. I never met this gentleman, but all I heard of him was to his advantage, and I believe that whatever influence he may have possessed was exerted on the side of peace. We came no nearer, however, to any definite solution of the question, and I had all but ceased to hope that either M. de Geofroy or myself, whether separately or with the assistance of our other colleagues, would be able to effect anything towards the pacific determination of the dispute, when I learned that, on the 10th October, the High Commissioner Okubo had written to the Yamên to say that, unless it were closed in 5 days, he should leave Peking. The Prince of Kung being absent, he subsequently extended this term.

Looking to the necessity that would arise for the protection of our port communities, should war come upon us, I had, on every possible occasion, pressed both the Representatives of Japan for information, but I had never drawn from either what might fairly be termed a statement of the Japanese case. Both seemed equally averse to consider arbitration possible. It was not until the 16th October that the High Commissioner, when calling on me, entered for the first time into a detailed exposition of the claims of Japan.

The "délai fatal" was to expire some 3 days later, and the Commissioner's discussions with the Yamên still continued, but they were now narrowed, as I understood his Excellency, to a demand on his part for an answer to two propositions. He had put two questions which, as I have before stated, were in effect as follows:—Why has China not done her part in the education of her subjects? Why, when, for want of education, they have committed crime, has China not punished her subjects? If China, argued the Commissioner, claims these savages as her subjects, she accepts the obligation of affording Japan the satisfaction which Japan has sent an expedition to exact of these people.

I inferred from this conversation that the High Commissioner was not inexorably set upon war. There was the less reason that he should be, as one of the declared objects of the expedition had

been accomplished by the infliction of a severe chastisement upon the peccant tribes. A money payment had, in fact, been for some time matter of negotiation, but indirectly, and I had no official knowledge of it.

Briefly, the Chinese having shown some disposition to pay money (not as war expenses, but as compensation to the families of the persons murdered by the Formosan savages), still, according to the Commissioner, declined to specify the amount. He asked for some 3,000,000 dollars, and this being refused, and a guarantee for any payment being pronounced impossible, he prepared to leave Peking.

The Minister Yanagiwara, on the ground that the postponement of his reception by the Emperor of China was proof of unfriendly feeling towards Japan, was to accompany his colleague.

The Commissioner himself called to take leave of me on Saturday the 24th of October, but a few hours after the departure of M. de Geofroy. Like me, M. de Geofroy had come to despair of arbitration or mediation. He was, in any case, to have returned to Europe before the end of the year, and the state of his health was now driving him southward earlier than he had contemplated. I was myself waiting from day to day to know whether it might not be also my duty to proceed to Shanghae, where I had written to tell Sir Charles Shadwell I should meet him, should a rupture between China and Japan become inevitable.

Having heard the Commissioner's statement, I went immediately to the house of the Grand Secretary Pao, and urged him to move the Prince of Kung to say at once what money China would pay (the Commissioner, be it observed, did not insist upon describing the payment as for war expenses); also, in what way the payment should be guaranteed. Failing any other means, if the High Commissioner would consent, I would myself guarantee the payment promised.

On the following day, I was authorized to offer the Commissioner 500,000 taels: a fifth as a compensation to the families of the murdered Loochooans; the remainder, not as war indemnity, but to meet the miscellaneous minor expenses (eventually specified) which the expedition had occasioned Japan.

The Commissioner, I was relieved to find, agreed to put off his departure, and, with myself as intermediary, he resumed negotiations with the Yamên.

The difficulties in our way were, first, in form, as to the wording of an Agreement in such wise as not to make it appear that the act of either Power, China or Japan, was dependent on the bidding of the other; and next, in substance, as to the dates of the essential acts, the evacuation of Formosa by Japan, and the payment of money by China, and the guarantees for the performance of these acts.

At last, after six days' debate, the Agreement and Guarantee,

copies of which are already before your Lordship, were signed by the High Commissioner Okubo and the Minister Yanagiwara at the Yamên.

There are two points to which, before closing this long despatch, I beg attention: my apparent separation from my colleagues, whose co-operation as arbitrators I had earlier hoped to invite, and the appearance of my own name in one of the instruments signed by the Chinese and Japanese Ministers.

My narrative will have shown that, in the first step in the latter negotiations, my visit to the Grand Secretary Pao, I was, I may say, surprised into action. The High Commissioner called on me on Saturday afternoon, and was to leave Peking early on the following Monday morning.

As to the appearance of my name, I had objected twice to its insertion in papers submitted to me. The paper in which it does figure was not finally prepared until it was too late in any way to modify its phraseology.

The Earl of Derby.

THOMAS FRANCIS WADE.

(Inclosure.)—The Prince of Kung to Mr. Wade.

(Translation.)

October 1, 1874.

THE Prince of Kung presents his compliments to Mr. Wade.

The Prince is in receipt of Mr. Wade's note of the 18th day of the 8th moon (28th September). It contains the fullest proof of Mr. Wade's very friendly feeling. While treating of what affects the common interest it even more concerns the Chinese Government. The Prince is extremely grateful for it.

His Highness has learned, from the Ministers with whom Mr. Wade has conferred, everything, from first to last, that has fallen from Mr. Wade; but as, in the questions put in the note under acknowledgment, there are some points that present difficulties and some that require explanation, His Highness has arranged with the Ministers of the Yamên that they should proceed to the Legation at 1 o'clock on the 23rd day of the moon (3rd October), for a conference with Mr. Wade, when the Prince hopes he will receive them.

No. 7.—Wooyeno Kagenori to the Earl of Derby.—(Rec. February 9.)

Legation of Japan, 9, Kensington Park Gardens,

MY LORD,

February 9, 1875.

I AM instructed by Terashima Munenori, Minister for Foreign Affairs of Japan, to express to your Lordship the deep sense entertained by my Government of the assistance rendered by Her Britannic Majesty's Representative at Peking, in effecting a settlement of the recent difficulty between Japan and China with respect to the Island of Formosa.

My Government has already stated to Sir Harry Parkes its keen appreciation of the value of that assistance, requesting him, at the same time, to be good enough to transmit its thanks to your Lordship.

It is my duty to repeat and renew the expression of that appreciation and of those thanks, and I beg your Lordship to be convinced that I could not possibly have a more agreeable duty to discharge.

I venture to hope that your Lordship will be pleased to acquaint Mr. Wade with the feelings which I have the honour to express here, and that he will accept for himself personally the thanks which my Government most cordially offer him.

I have, &c.,

The Earl of Derby.

WOOPYENO KAGENORI.

No. 8.—Sir H. Parkes to the Minister for Foreign Affairs, Yedo.

SIR,

Yedo, March 9, 1875.

I HAVE been informed by Lord Derby, Her Majesty's Principal Secretary of State for Foreign Affairs, that Mr. Wooyeno Kagenori, the Japanese Minister accredited to Her Majesty, paid his first visit to his Lordship on the 14th January, and took the opportunity to express officially the thanks of his Government for the part which Her Majesty's Minister at Peking had taken in preventing a rupture between China and Japan. Mr. Wooyeno also assured Lord Derby that the service thus rendered would be gratefully remembered by his countrymen.

Lord Derby informs me that he stated, in reply to Mr. Wooyeno, that it was the wish as it was the interest of England to preserve peace and prevent unnecessary quarrels wherever English influence extended; and that it would have been a subject of deep regret to the people of England if war had broken out between two States, with both of which our political relations were thoroughly friendly, and our commercial relations, as we hoped, were destined to increase from year to year.

I take, &c.,

Térashima Munénori.

HARRY S. PARKES.

CONVENTION d'Établissement entre la Suisse et la Principauté de Liechtenstein.—Signée à Vienne, le 6 Juillet, 1874.

[Ratifications échangées à Vienne, le 29 Décembre, 1874.]

LA Confédération Suisse d'une part, et Son Altesse le Prince Régnant Jean de Liechtenstein d'autre part, dans le but de régler les conditions de l'établissement des ressortissants de la Suisse dans la Principauté de Liechtenstein et des ressortissants de cette Prin-

cipauté en Suisse, sont convenus de conclure à cet effet un Traité, et ont nommé pour leurs Plénipotentiaires, savoir :

Le Conseil Fédéral Suisse, son Envoyé Extraordinaire et Ministre Plénipotentiaire près la Cour Impériale Royale de Vienne, M. le Dr. Jacques de Tschudi ; et

Son Altesse le Duc Régnant Jean de Liechtenstein, son Référendaire pour les Affaires de Justice, M. le Dr. Hermann Hampe, Avoué à la Cour et au Tribunal ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles ci-après, sous réserve de ratification :—

ART. I. La Suisse accorde aux ressortissants de la Principauté de Liechtenstein, aux conditions mentionnées dans l'Article II, le droit de séjourner temporairement ou de s'établir en permanence en Suisse, d'y acquérir ou aliéner des biens-fonds, ou d'exercer ou faire exercer pour leur propre compte toute profession dont l'exercice est permis, sans être obligés de s'y faire naturaliser ou d'y requérir la bourgeoisie, ni être soumis à des charges autres que celles auxquelles sont sujets les citoyens Suisses.

Réciproquement, la Principauté de Liechtenstein assure aux ressortissants de la Suisse, aux mêmes conditions, le droit d'y séjourner temporairement ou de s'y établir en permanence, d'y acquérir ou aliéner des biens-fonds, d'exercer ou de faire exercer pour leur propre compte toute profession dont l'exercice est permis, sans être obligés de s'y faire naturaliser ou d'y acquérir la bourgeoisie, ni être astreints à des charges autres que celles auxquelles sont sujets les ressortissants de la Principauté de Liechtenstein.

II. Pour obtenir le droit d'établissement, les ressortissants des deux États auront à déposer un certificat d'origine ou une autre pièce analogue, et une attestation par laquelle les autorités du Canton d'origine du requérant certifient qu'ils jouissent d'une réputation intacte, et qu'ils sont en position de subvenir à leur entretien et à celui de leur famille.

III. Chacune des Parties Contractantes s'engage à recevoir ceux de ses ressortissants auxquels le droit d'établissement aurait été retiré par l'autre partie, s'ils n'ont pas acquis un droit de cité dans un autre État et n'ont pas été dûment affranchis de tout lien envers leur pays d'origine.

IV. Les ressortissants des deux États sont soumis, quant au service militaire, aux lois de leur pays. Dans l'État de l'établissement, ils ont affranchis de toutes prestations y relatives.

V. Les propriétaires ou cultivateurs Suisses de biens-fonds dans la Principauté de Liechtenstein, et *vice versa* les propriétaires ou cultivateurs de biens-fonds en Suisse ressortissants de la Principauté, jouissent pour l'exploitation de leurs biens des mêmes avantages

que les nationaux habitant la même localité, à la condition de se soumettre aux mêmes charges et impôts que les ressortissants du pays, ainsi qu'aux Ordonnances d'Administration et de Police applicables à ces derniers.

VI. Le présent Traité entrera en vigueur un mois après l'échange des actes de ratification, et demeurera en force pendant un laps de temps de 10 ans.

Dans le cas où aucune des Parties Contractantes n'aurait notifié 12 mois avant la fin de la dite période son intention d'en faire cesser les effets, il demeurera obligatoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Parties Contractantes l'aura dénoncé.

Les ratifications du présent Traité seront échangées aussitôt que possible après qu'il aura été ratifié.

En foi de quoi, les Plénipotentiaires respectifs ont signé le Traité, et y ont apposé leur sceau.

Ainsi fait à Vienne, le 6 Juillet, 1874.

(L.S.) DE TSCHUDI.

(L.S.) DR. HAMPE.

*LETTER from the Grand Vizier to the Bey of Tunis, defining the Relations between the Sultan and the Bey.—December 22, 1864.**

(Translation.)

THE Memorial of your Highness, presented by his Excellency Haïreddin Pasha, renewing the expression of your loyalty and fidelity to the Sultan, and thanking His Majesty for his gracious favour and condescension with reference to the late regrettable events at Tunis, and also the letter addressed by your Highness to myself, have been read and understood by His Majesty. May the Almighty, for the sake of his illustrious friend (Mahomed), long preserve the refuge of Islam, the asylum of the Caliphate, and adorn his throne with justice and magnificence! His Majesty our august Sovereign, in accordance with the wisdom and benignity with which he is endowed by God, being ever solicitous for the welfare and prosperity of your Highness and family, and of the people whose government is committed to your charge, has deeply regretted the seditious troubles which have arisen in the Province of Tunis. But His Majesty has witnessed with the greatest pleasure the removal of these troubles in a short period of time, and has also been gratified by the due appreciation evinced by your Highness of the efforts and assistance of the Porte in effecting their removal.

* Laid before Parliament in 1881.

It is, as stated above, the sincere desire and fixed resolution of the Porte to maintain and increase the tranquillity and prosperity of Tunis and to secure the welfare and happiness of its inhabitants ; and as a fresh manifest proof of the sincerity of its intentions, and with the view of entirely removing all future difficulties, the Porte proposes to confirm anew your ancient privileges, that is to say, as a public sign of the legal and religious connection between the Supreme Government, which is the seat of the Caliphate, and the Province of Tunis, which is a component part of His Majesty's dominions, and in conformity with ancient customs, the prayer for the Sultan, His Majesty's name on coins, and the old shape and colour of the standard of Tunis, must be continued. And in due observance of all other relations between the Porte and Tunis, the hereditary succession in your Highness's family will be maintained. In the internal administration of the province, in conformity with the Holy Law, and in the application of the laws of justice and equity as required by the necessities of the times, and for the sufficient security of the life, honour, and property of the inhabitants, you will be independent, as also in the appointment and dismissal of all functionaries—in accordance with the principles of justice as before mentioned—whether religious, military, civil, or financial. You will have full liberty to maintain your known relations with foreign Powers, and in accordance with the rule hitherto observed whenever a death vacancy occurs, on a Memorial being addressed to the Porte requesting the appointment of the eldest male heir, one Firman granting the grade of Muchir and another the appointment to the Government will be transmitted to Tunis.

Whenever your Highness chooses to make a written request in conformity with what is here stated, a Firman can be transmitted to you, and the promise of this (the fulfilment of which depends on your Highness's judgment) I am now authorized by an Imperial Decree to make to you ; and in virtue of the office I hold, and with much pleasure, I hasten to give you this explanation.

After hearing the verbal communications of his Excellency Häireddin Pasha, and reading this friendly letter, you will doubtless clearly understand that the benevolent intentions of the Sultan are framed solely with the view of removing the various difficulties which exist to the dissatisfaction of both parties, owing to the peculiar nature of your dependence and your ancient relations with the seat of the Caliphate.

By persevering in the path of conciliation you will promote your welfare in this world and in the next ; you will gain, moreover, the favour of the Padishah of Islam, and acquire a good name. This will suffice.

With prayers to the Almighty for the prosperity of your Highness, I am, &c.

23 Rejeb, 1281 (December 22, 1864).

FIRMAN granted by the Sultan to the Bey of Tunis, October 23, 1871.—(Communicated to Earl Granville by Musurus Pasha, November 20, 1871.)†*

(Traduction.)

(Après les titres d'usage.)

Nous connaissons la conduite louable que tu as suivie et les services que tu as rendus, ainsi que la loyauté et la droiture dont tu as fait preuve envers nous depuis le jour où l'administration de la Province de Tunis, faisant partie de notre Empire, a été confiée par notre Gouvernement Impérial à ta capacité, comme elle l'avait été à tes prédécesseurs.

Les qualités qui te distinguent nous font espérer que tu persévereras dans la même voie, et qu'en consacrant tes efforts à la prospérité, au bien-être et à la tranquillité de cette province et de nos sujets, tu te rendras de plus en plus digne de la faveur et de la confiance dont tu es l'objet de notre part, en en reconnaissant la valeur.

Notre sincère désir et notre volonté arrêtée est de voir cette importante province de notre Empire jouir de la plus parfaite sécurité, d'une tranquillité constante, et de voir aussi la confiance s'affermir de jour en jour parmi ses habitants.

Il est évident qu'en vertu de nos droits souverains nous ne refuserons jamais d'accorder notre appui et notre sollicitude à la complète réalisation de ce but.

Conformément à la demande contenue dans le Rapport que tu viens de nous soumettre, nous te confirmons dans le Gouvernement-Général de la dite Province de Tunis, qui conservera ses limites telles qu'elles existent *ab antiquo*, en t'accordant de plus le privilège d'hérédité et aux conditions suivantes :—

Désirant voir, ainsi qu'il est dit plus haut, l'accroissement de la prospérité et de la richesse de cette province Impériale, aussi bien que de nos sujets qui l'habitent, et considérant la pénurie et les besoins du pays et de la population, nous faisons grâce à nos fidèles sujets Tunisiens, dans nos sentiments de générosité et de sollicitude à leur égard, de ce que leur province payait, dès l'origine, sous une dénomination convenue, des contributions à notre Gouvernement à titre de sujétion.

* For the version of this Firman communicated by the Bey to the Foreign Representatives at Tunis in November, 1871, see Vol. LXI. Page 104.

† Laid before Parliament in 1881.

Comme une marque des liens anciens et légitimes qui rattachent à notre Kalifat et souveraineté la Province de Tunis, partie intégrante de notre Empire, il faut que les “ khoutbés ” et les monnaies soient, comme par le passé, à notre nom Impérial ; que le pavillon conserve sa forme et ses couleurs ; qu'en cas de guerre entre la Turquie et un pays étranger la dite province Impériale fournisse son contingent militaire dans la limite de ses forces ; et que les autres liens et relations qu'elle a eues jusqu'ici avec notre Gouvernement soient maintenus.

Dans ces conditions nous ordonnons ce qui suit :—

L'hérédité du Gouvernement-Général de notre Province de Tunis est accordée à ta famille ; le Gouverneur-Général de la Tunisie aura pleins pouvoirs pour nommer ou destituer, selon les règles de la justice et de l'équité, les fonctionnaires du Chéri, des Administrations militaires, civiles et financières de la province, à condition toutefois que l'administration intérieure sera conforme à la loi sacrée et aux autres lois de l'Empire garantissant la vie, l'honneur, les biens des personnes, et répondant aux exigences de l'époque.

Le Gouverneur-Général de Tunis est autorisé à entretenir, comme par le passé, certaines relations avec les Gouvernements étrangers, à l'exception des cas où il s'agirait de conclure avec ces Puissances des Conventions ou autres actes internationaux, ayant trait aux affaires politiques, aux faits de guerre, au remaniement de frontières, &c., toutes choses qui relèvent uniquement de nos droits sacrés de souveraineté.

En cas de vacance dans le Gouvernement-Général, et sur la requête sollicitant la nomination d'un successeur dans la personne du membre de la famille le plus âgé, notre Menchour Impérial conférant le titre de Vizir et de Muchir, ainsi que le Firman d'investiture, seront accordés. Cet ordre souverain écrit par notre Divan et revêtu de notre Hatt Impérial est expédié.

Comme il a été déclaré ci-dessus, nous n'avons en vue, dans notre sollicitude paternelle, que d'améliorer l'état de l'importante Province de Tunis, et de raffermir la position de la famille Gouvernante tout en complétant les moyens propres à assurer le bien-être, la tranquillité et la sécurité de toutes les classes des sujets placés sous notre autorité et établis dans cette province. Notre volonté souveraine est donc que tu consacres aussi tous tes efforts au même but.

Et, comme la conservation absolue et permanente de nos droits séculaires et incontestables sur la Tunisie, ainsi que la sûreté constante des biens, de la vie, de l'honneur et des droits généraux de nos sujets demeurant dans cette province confiée à ta fidélité, constituent les conditions fondamentales et arrêtées du privilège

d'hérédité, il faut que tu veilles constamment à préserver ces conditions essentielles de toute atteinte, et que tu t'abstiennes de tout acte contraire. Toi, et tous les membres de ta famille qui se trouveront à la tête de la province par ordre de succession, vous apprécierez la valeur de cette haute faveur Impériale, et vous mettrez ainsi tous vos soins à l'exécution scrupuleuse des conditions établies pour mériter notre haute approbation.

Donné le 9 Chaban, 1288 (23 Octobre, 1871).

*TREATY of Commerce and Navigation between Austria and the Hawaiian Islands.—Signed at London, June 18, 1875.**

[Ratifications exchanged at London, April 27, 1876.]

HIS Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, on the one part, and His Majesty the King of the Kingdom of the Hawaiian Islands, on the other part, being equally animated by the desire of regulating and extending the commercial relations and of promoting the facilities of navigation between their respective States and possessions, have resolved to conclude a Treaty for that purpose, and have named for their Plenipotentiaries, that is to say :

His Imperial and Royal Apostolic Majesty, the Count Frederick Ferdinand de Beust, His Imperial and Royal Majesty's Chamberlain, Privy Councillor, Ambassador Extraordinary at the Court of St. James, Grand Cross of the Order of St. Stephen, and of that of Leopold, &c. ; and

His Majesty the King of the Kingdom of the Hawaiian Islands, Manley Hopkins, Esquire, His Hawaiian Majesty's Chargé d'Affaires and Consul-General in London, a Knight Commander of the Order of Kamehameha I and of Isabella la Católica ;

Who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following Articles :—

ART. I. There shall be perpetual peace and friendship between the Austro-Hungarian Empire and the Kingdom of the Hawaiian Islands and between the citizens of the two countries, without exception of person and place.

II. There shall be between the Austro-Hungarian Empire and the Kingdom of the Hawaiian Islands reciprocal freedom of commerce and navigation, and the citizens of the Austro-Hungarian

* Signed also in the German language.

Empire in the Hawaiian Islands, and Hawaiians within the Empire of Austria-Hungary, may enter with their vessels and cargoes into all places, ports, and rivers which are or shall hereafter be open to foreign commerce with the same liberty and security as are, or may be, enjoyed by the natives of each country respectively, always provided that the police regulations established for the preservation of peace and good order shall be duly respected.

III. The citizens of the two High Contracting Parties may, like the natives in the respective territories, travel, reside, trade wholesale or retail, and transact any lawful business, and rent or occupy the houses, stores, or shops which they may require for the purposes of residence or business, and in the transaction of every business shall be on a perfect equality with the natives of the country. In the performance of all business the citizens of each Contracting Power, when resident in the territory of the other, shall conform to all the laws and regulations of the country, and they shall not be subject in any case to any other charges, restrictions, taxes, or impositions than those to which the natives are subject.

IV. The citizens of each High Contracting Party when resident in the territory of the other shall enjoy the most constant and complete protection for their persons and property, and for this purpose they shall have free and easy access to the courts of justice, provided by law, in pursuit and defence of their rights. They shall be at liberty to employ lawyers, advocates, or agents to prosecute or defend their rights before such courts of justice. In fact, they shall enjoy in this respect all the rights and privileges which are granted to natives, and shall be subject to the same conditions.

V. The citizens of each High Contracting Party, when resident in the territory of the other, shall be exempt from all service whether in the army or navy, or in the national guard or militia, and shall be exempt from all forced loans and from every extraordinary contribution not general and by law established.

VI. The most entire liberty of conscience is guaranteed to citizens of each of the High Contracting Parties within the territories of the other; no one shall be molested on account of his religion or the observances thereof.

VII. The citizens of each of the High Contracting Parties shall, in the territory of the other, have the right of acquiring and possessing property of every description and kind, whether the same be real or personal property, and may dispose of the same as may seem to them best, whether by sale, donation, exchange, will, or in any other way; also the citizens of either of the two States may become heirs to property situated in the other, and may succeed without hindrance to the properties that may devolve upon them, and dispose of the same according to their pleasure; and such heirs or legatees shall

not be subjected to any charges or be bound to pay any expenses of succession or otherwise higher than those which shall be borne in like case by the natives themselves.

VIII. All vessels sailing under the respective flags of either of the High Contracting Parties, and which shall be bearers of the ship's papers and documents required by the laws of their respective countries, shall be taken and considered to be the vessels of the country whose flag they carry.

IX. Vessels of either of the High Contracting Parties arriving in the ports of the other, or departing from them, shall not be subjected to other or higher duties of tonnage, lighthouses, anchorage, port charges, Government wharfage, pilotage, quarantine, or other charges under any denomination whatsoever, than those to which national vessels may be subjected; it being, however, expressly understood that no stipulation in this Treaty made shall be taken as applying to the coasting trade, which each Contracting Party reserves to itself, respectively, and will regulate according to its own laws.

X. Articles of all sorts imported into or exported from the ports of either of the Contracting Parties under the flag of the other, shall pay no other or higher duties, or be subjected to any other charges, than if imported or exported under the national flag.

XI. Vessels of one of the Contracting Parties, compelled to seek shelter in the ports of the other, shall pay neither on the vessel nor the cargo more duties than those levied on national vessels in the same situation, provided that such ships carry on no commerce, and delay no longer in the aforesaid ports, than may be required for the purposes which impelled them to seek shelter.

XII. Austro-Hungarian ships-of-war or whale-ships shall have free access to all the Hawaiian ports, to anchor, be repaired, and victual their crews, and they may proceed from one harbour to another for fresh provisions. In all the ports which are or may hereafter be opened to foreign vessels, Austro-Hungarian ships-of-war and whalers shall be subject to the same rules which are or may be imposed on, and shall enjoy all the same rights and privileges which are or may be granted to, the ships of the most favoured nation.

XIII. The two High Contracting Parties hereby agree that any favour, privilege, or immunity whatsoever in matters of commerce or navigation which either Contracting Party has granted, or may hereafter grant, to the subjects or citizens of any other State, shall be extended to the subjects or citizens of the other Contracting Party gratuitously if the concession in favour of the other State shall have been gratuitous; or in return for a compensation as nearly as possible of proportionate value and effect, to be adjusted by mutual agreement, if the concession shall have been conditional.

XIV. Each of the two Contracting Parties may appoint Consuls, Vice-Consuls, and Consular Agents to reside in the territory of the other for the purpose of the protection of commerce; but before any Consul shall enter upon his functions, he shall first obtain the authorization of the Government to which he is sent. Either of the Contracting Parties may except from the residence of Consuls such particular places as either may think fit to be excepted, it being understood that neither party will impose any restriction which is not common in the country to all nations.

XV. The Diplomatic Agents, Consuls-General, Consuls, Vice-Consuls, and Consular Agents of Austria-Hungary in the Hawaiian Islands, shall enjoy all the rights, privileges, immunities, and exemptions enjoyed by the Diplomatic Agents, Consuls, Vice-Consuls, and Consular Agents of the same rank belonging to the most favoured nation, and the same shall be the position in Austria-Hungary of the Hawaiian Diplomatic Agents, Consuls-General, Consuls, Vice-Consuls, and Consular Agents.

XVI. The Consuls, Vice-Consuls, and Consular Agents of either of the Contracting Parties residing within the territory of the other may require the assistance of the local authorities for the search, arrest, detention, and imprisonment of the deserters from the ships-of-war or merchant-vessels of their country. For this purpose they shall apply to the competent local authorities in writing, proving by the exhibition of the crew-list or other official document that the persons named formed a part of the ship's crew, and this reclamation being there substantiated, the surrender shall not be refused. All aid and assistance shall be given for the discovery and arrest of such deserters, who shall be detained in the prisons of the country at the request and cost of those who shall claim them, until they may be restored to the vessel to which they belonged, or sent back to their own country. If, however, they shall not be restored to the vessel from which they deserted, or sent back to their own country within 6 months from the day of arrest, or if the party causing such arrest and imprisonment shall not defray the expenses thereof, the deserter may be set at liberty and shall not be arrested thereafter for the same cause. However, if the deserter shall have committed any crime or offence against the laws of the country where he is, his release shall not take place until a competent tribunal shall have given judgment, and that judgment been carried into execution. It is, however, understood that seamen, natives of either country, who shall desert the vessels of either party within the territories of their own country, shall be excepted from this arrangement and treated according to the laws of their own country.

And it is formally agreed between the two Contracting Parties that every other favour or facility granted or to be granted by either

to any other party for the arrest of deserters, shall also be granted to the present Contracting Parties as fully as if they had formed part of the present Treaty.

XVII. All operations pertaining to the salvage of vessels carrying the flag of either of the Contracting Parties stranded or wrecked upon the coasts of either of the Contracting Parties shall be superintended by the respective Consular Agents; but if the persons interested be on the spot, or the captain possess adequate powers, the administration of the wreck shall be committed to them. The intervention of the local authorities shall only be applied to the maintenance of order, to guarantee the rights of the salvors if they do not belong to the shipwrecked crew, and to insure the execution of the measures to be taken for the entry and departure of the saved goods. In the absence, and until the arrival, of the Consular Agents, the local authorities will take the needful steps for the protection of persons and property wrecked. The goods saved shall never be subjected to Customs or other duty, unless they are disposed of for home consumption.

XVIII. The ships, merchandize, and effects belonging to the respective citizens which may have been taken by pirates, or conveyed to or found in the ports of either of the Contracting Parties, shall be delivered to their owners on payment of the expenses, should there be such, the amount to be determined by the competent tribunals, when the rights of the proprietors shall be proved before these tribunals, and the claim being made within the space of 18 months by the interested parties, by their attorneys, or by the Agents of their respective Government.

XIX. The present Treaty shall be in force for 10 years, counting from the day of the exchange of the ratifications, and if in one year after the expiration of this term, neither the one nor the other of the two Contracting Parties shall have announced by official declarations its intention that it shall cease to have effect, the said Treaty will remain still obligatory during one year, and so onward until the expiration of the 12 months which shall follow the official declaration in question at whatever time it may be made.

XX. The present Treaty shall be ratified, and the ratifications shall be exchanged at London in 10 months, or sooner if possible.

In witness whereof the respective Plenipotentiaries have signed the same and affixed thereto their respective seals.

Done in London, this 18th day of June, in the year of Our Lord 1875.

(L.S.) BEUST.

(L.S.) MANLEY HOPKINS.

CORRESPONDENCE between Great Britain and Russia, respecting the Conference at Brussels on the Rules of Military Warfare.—1874, 1875.

[Continued from Vol. LXV, Pages 1004-1112.]

M. de Westmann to Count Schouvaloff.

(Circulaire.)

M. LE COMTE,

St. Pétersbourg, le 26 Septembre, 1874.

PLUSIEURS des Délégués aux Conférences de Bruxelles nous ont interpellés sur la marche ultérieure à imprimer aux questions qui y ont été traitées, c'est-à-dire, si ce serait le Gouvernement Impérial qui proposerait un nouveau Projet sur la base des opinions émises en Conférence, ou bien s'il attendrait auparavant de connaître le jugement porté sur ces questions par les Gouvernements.

Je crois, en conséquence, nécessaire de vous faire connaître à ce sujet la manière de voir du Cabinet Impérial.

Le résultat même des travaux de la Conférence nous paraît indiquer clairement la marche à adopter.

Elle a faite une enquête. Ses Protocoles reproduisent toutes les opinions qui ont été émises, aussi bien sur les points où l'on s'est trouvé d'accord que sur ceux sur lesquelles des divergences se sont produites ou des réserves ont été faites. Le Projet remanié par la Commission contient les rédactions transactionnelles qui ont été la suite des débats. Enfin, le Protocole final défère l'ensemble de ces travaux à l'examen des Gouvernements respectifs, comme pouvant servir de base à un échange d'idées ultérieur.

Il s'ensuit, à notre avis, que les Gouvernements, une fois mis par le Gouvernement de Sa Majesté le Roi des Belges en possession des actes complets et authentiques se rattachant à la Conférence, auront à examiner les solutions proposées, et à présenter, soit leurs conclusions sur les Articles susceptibles d'un accord immédiat, soit leurs observations ou propositions sur ceux qui fournissent matière à des divergences d'opinion.

Il nous semble que St. Pétersbourg serait le lieu le plus convenable pour la réunion de toutes ces conclusions, observations, ou propositions.

Lorsque le Cabinet Impérial se trouvera en possession de tous ces matériaux il avisera soit à consigner les points d'accord dans un acte destiné à faire l'objet d'un échange de déclarations entre les Puissances, soit à leur soumettre un nouveau Projet; soit, enfin, à provoquer une nouvelle réunion des Délégués ou des Représentants des Gouvernements, pour amener les opinions divergentes à un accord final, qui serait formulé dans un acte définitif.

Veillez porter ce qui précède à la connaissance du Gouvernement auprès duquel vous êtes accrédité, et le prier, en conséquence, de nous transmettre aussitôt que faire se pourra les conclusions, observations, ou propositions que lui suggéra l'examen de l'ensemble des travaux de la Conférence.

J'ai, &c.,

Count Schouvaloff.

WESTMANN.

The Earl of Derby to Lord A. Loftus.

MY LORD,

Foreign Office, January 20, 1875.

I TRANSMITTED to your Excellency, in my despatch of the 25th of November, a copy of a Circular despatch respecting the Brussels Conference, addressed, on the 26th of September last, by M. de Westmann to the Russian Ambassador at this Court, and communicated to me by his Excellency on the 16th of November.

This Circular states it to be the view of the Russian Government that the next step to be taken in the matter is, that the Governments represented at the Conference should inform the Russian Government of the conclusions at which they may have arrived with regard to those Articles of the Project on the Laws and Usages of War which they may deem to be capable of immediate adoption, and should also furnish such observations and proposals as they may have to offer on those Articles on which difference of opinion may exist.

When the Cabinet of St. Petersburg is in possession of these conclusions, observations, and proposals, it will decide on the expediency of drawing up an international declaration on the points upon which there may be a general agreement, or, as an alternative course, of submitting a new Project to the Powers, or of summoning a new Conference of the Delegates or Representatives of the several Governments in order to bring their divergent opinions to a final agreement which might be formally recorded in a definitive manner.

The Circular adds that the Russian Government begs to be informed as soon as possible of the conclusions, observations, or proposals which the examination of the reports of the proceedings of the Conference at Brussels may have suggested to the Governments concerned.

Her Majesty's Government are not aware that any of the Governments represented at that Conference have yet complied with this request, by furnishing detailed observations, making specific proposals, or indicating particular Articles of the Project to which they are ready to give an immediate assent; and, having regard to the importance of the subject, and the fact that the very existence of a nation may at some future time, in the hazard of war, depend upon the decisions now arrived at by its Government, Her

Majesty's Government trust that the time which has been taken in deciding upon the answer which should be returned on the part of Great Britain will not appear to have been unreasonably protracted.

Her Majesty's Government have from the beginning appreciated the humane motives which led to the proposal of the original Project by the Emperor of Russia, and have been anxious to meet His Imperial Majesty's desire that it should receive the fullest consideration.

Your Excellency will remember that the first invitation to a Conference did not proceed from the Emperor, but from the President of a Society for the Improvement of the Condition of Prisoners of War, who solicited the European Governments to send Delegates to a Conference to be opened at Paris on the 18th of May last.

On the 11th of May Her Majesty's Government received from Count Brunnow a copy of a Circular, dated the 17th of April, inclosing a Project of an International Code for determining the Laws and Usages of Warfare, and proposing a Conference at Brussels. In forwarding copies of these papers to Mr. Doria, on the 14th, I stated to him that I had told Count Brunnow verbally that, as long as the Project in question was only put forward by a private society, I had not thought it a matter in which Her Majesty's Government ought to take part; but that, the Russian Government having taken it up, the question was thereby placed on a different footing, and it should receive the serious attention of Her Majesty's Government.

In my despatch of the 4th of July I informed your Excellency that Her Majesty's Government had considered with all the attention which so important a proposal deserved, the Project of the Emperor of Russia for a Conference to be held at Brussels to discuss the rules of military warfare.

Her Majesty's Government highly appreciated the humane motives by which His Imperial Majesty was actuated in making this proposal, and concurred in the earnest desire evinced by His Imperial Majesty to mitigate the severities of war.

At the same time Her Majesty's Government were not convinced of the practical necessity for such a scheme for the guidance of Military Commanders in the field, and could not but fear that, unless the discussions were conducted in the most guarded manner, the examination of any such Project in a Conference at the present juncture might re-open causes of difference and lead to recriminations between some of the Delegates appointed to take part in it.

I added that the willingness of Her Majesty's Government to join with the Government of the Emperor of Russia in any measure for the prevention of unnecessary suffering was shown by Great

Britain having already, with that object, acceded to the Declarations relating to the Geneva Cross and the use of explosive bullets ; and Her Majesty's Government would not, therefore, now be prepared to take exception to a discussion in a Conference of Delegates of such details of warlike operations in the field as it might be found useful and practicable to advise upon ; but Her Majesty's Government were firmly determined not to enter into any discussion of the rules of international law by which the relations of belligerents are guided, or to undertake any new obligations or engagements of any kind in regard to general principles.

It is unnecessary for me now to revert to the question of the exclusion from the discussions of the Conference of matters relating to maritime operations or naval warfare, as that was happily settled by the acquiescence of all the Powers in the assurance which Her Majesty's Government felt it their duty to require in this respect.

On the 25th of July I addressed a Circular to Her Majesty's Representatives in the countries sending Delegates to the Conference, instructing them to acquaint the Governments to which they were respectively accredited with the nomination of Major-General Sir A. Horsford, K.C.B., as British Delegate, and to state that it would be his duty to guard carefully against the introduction into the discussions of matters relating to naval warfare, and that he would also abstain from taking part in any discussion which might appear to him to bear upon general principles of international law not already universally recognized and accepted. With these reservations Her Majesty's Government had had no hesitation in authorizing a Delegate on the part of Great Britain to attend the Conference and to assist in its deliberations with a view to any proposals of practical utility for alleviating the horrors of war.

He was not, however, to be furnished with plenipotentiary powers, as Her Majesty's Government regarded the Conference as assembled for the purpose of deliberation, and were not prepared to give their assent to a scheme for the regulation of military operations without first examining it in all its bearings. Her Majesty's Government accordingly reserved to themselves full liberty of action as to the manner in which they would deal with any proposals which might be made in the Conference.

The Delegates met on the 27th of July, the United States not being represented, and some Delegates not having yet arrived ; and Baron Jomini, the Russian Delegate, having been chosen President, read the instructions which he had received from his Government, explaining the views of the Emperor as to the objects of the Conference. These instructions contained the following passage, to which the result of the Conference has now given peculiar significance :—

“La liberté d'action des Gouvernements au point de vue militaire, et le droit des États de pourvoir à leur propre défense, ne sauraient donc être soumis à des restrictions fictives, que d'ailleurs la pression des faits rendrait stériles. Il nous semble qu'aucune illusion ne saurait prévaloir dans la pratique contre cette inflexible nécessité.”

The instructions also stated:—“Quant à l'issue finale, elle dépend de la discussion et de l'accord qui viendrait à s'établir. Car la pensée de l'Empereur est avant tout une pensée d'entente générale.”

With the view apparently of promoting this general agreement, the Conference resolved, on the proposal of the President, only to insert in the Protocols the points on which the Conference was agreed, and not to record those on which there was a difference of opinion.

In order to prevent it being assumed that, because he did not take part in certain debates, he thereby gave a tacit assent to the decisions arrived at by his colleagues, the British Delegate, at the meeting of the 31st of July, very properly called attention to that part of his instructions wherein he was directed to abstain from taking part in any discussion on points extending to general principles of international law not already universally recognized and accepted. In recording this in the Protocol Baron Jomini remarked “que tout le monde est d'accord à cet égard, la Conférence n'ayant d'autre but que de consacrer des règles universellement admises.”

It, however, soon appeared, when the more important Articles of the Project came to be examined and discussed, that the attitude of reserve which Her Majesty's Government had held towards it, and the caution of the British Delegate were fully justified. Instead of mere rules for the guidance of Military Commanders based upon usage, upon which a general understanding could be shown to be desirable in the interests of humanity, the Articles of the Project were seen to contain, or to imply, numerous innovations, for which no practical necessity was proved to exist, and the result of which, if adopted, would have been greatly to the advantage of the Powers having large armies constantly prepared for war, and systems of universal compulsory military service.

Her Majesty's Government might, in accordance with their previously announced determination, have instructed the British Delegate to protest formally against any attempt on the part of the Conference to lay down new rules of international law between belligerents; but they preferred to leave the discussions to take their course, being unwilling to throw impediments in the way of a thorough inquiry into the Project, and thus prevent the Emperor of

Russia's wishes in regard to the Conference from being adequately carried out.

The rule that only unanimity of opinions should be recorded, was, nevertheless, soon broken through by the protests and reservations of other Delegates, and, at the meeting on the 14th of August, Baron Jomini was forced to abandon it.

Her Majesty's Government do not feel themselves called upon to enter into a minute review of the proceedings of the Conference, and they will accordingly confine themselves to touching on some of the more striking differences of opinion to which the discussions gave expression.

The first Section of the first Chapter occasioned an argument as to the meaning of "occupation," in Article I of the Project, which provided that: "§ 1. The occupation by the enemy of a part of the territory of a State with which he is at war, suspends, *ipso facto*, the authority of the legal power of the latter, and substitutes in its place the military authority of the occupying State."

The German view, as described by Sir A. Horsford, was, that occupation is not altogether of the same character as a blockade, which is effective only when it is practically carried out. It does not always manifest itself by visible signs. If occupation is said to exist only where the military power is visible, insurrections are provoked, and the inhabitants suffer in consequence. A town left without troops must still be considered occupied, and any rising would be severely punished. Generally speaking, the occupying Power is established as soon as the population is disarmed, or even when the country is traversed by flying columns. Baron Jomini said that the discussion turned upon the word "territory." This was a general expression which must be interpreted liberally ("interpréter largement"); a province could not be occupied at every point: that was impossible.

The other view was, "That greater power must not be accorded to the invader than he actually possesses. Occupation is strictly analogous to blockade, and can only be exercised where it is effective. The occupier must always be in sufficient strength to repress an outbreak. He proves his occupation by this act. An army establishes its occupation when its positions and lines of communication are secured by other corps. If a territory frees itself from the exercise of this authority it ceases to be occupied. Occupation cannot be presumptive."—(Sir A. Horsford's Summary of Protocol 10 of Committee.)

The discussion terminated in the adoption of modified Articles, in which an effort was made to reconcile the conflicting views by the use of carefully balanced expressions. Her Majesty's Government fear that the inhabitants of the invaded territory would find in such

colourless phrases very inadequate protection from the liberal interpretation of the necessities and possibilities of warfare by a victorious enemy; while the existence of rules the meaning of which is not distinct and indisputable could not fail, should they ever be actually promulgated, to give rise to angry controversies which would intensify, rather than mitigate, the horrors of war.

The second Chapter, relating to combatants and non-combatants, showed an equal difference of opinion, eventually smoothed over in a similar manner. The Swiss Delegate, in his observations on the Article requiring the use of a distinctive badge recognizable at a distance, remarked that a country might rise *en masse*, as Switzerland had formerly done, to defend itself, without organization, and under no command. The patriotic feeling which led to such a rising could not be kept down; and although these patriots, if defeated, might not be treated as peaceful citizens, it could not be admitted in advance that they were not belligerents.

Sir A. Horsford also reported that, during the general discussion on the subject of this Chapter, the Netherland Delegate remarked that if the plan laid down by the German Delegate was to be sanctioned by the adoption of those Articles which related to belligerents, as drawn up in the Project, it would either have the effect of diminishing the defensive power of the Netherlands, or would render universal and obligatory service necessary,—a system to which public opinion in the Netherlands was still opposed. He therefore reserved more than ever the opinion of his Government. The Belgian Delegate also made a declaration of reservation.

Upon the consideration of Section II, Chapter I, "Of the Rights of Belligerents with reference to Private Individuals," and "Of the Military Power with respect to Private Individuals," the discussion was resumed, and the rights of national defence again warmly urged by the Netherlands, Belgian, and Swiss Delegates.

In Baron Lansberge's opinion no country could possibly admit that, if a population of a *de facto* occupied district should rise in arms against the established authority of the invader, they should be subject to the laws of war in force in the occupying army. He admitted, that in time of war, the occupier might occasionally be forced to treat with severity a population who might rise, and that, from its weakness, the population might be forced to submit; but he repudiated the idea of any Government contemplating the delivering over in advance to the justice of the enemy those men who, from patriotic motives, and at their own risk, might expose themselves to all the dangers consequent upon a rising.

Baron Lambermont added, that if citizens were to be sacrificed for having attempted to defend their country at the peril of their lives, they need not find inscribed on the post at the foot of which

they are about to be shot, the Article of a Treaty signed by their own Government, which had in advance condemned them to death.

Colonel Hammer, the Swiss Delegate, who had previously pointed out that Articles 45 and 9 (respecting conditions to be fulfilled by armed forces) were the cardinal points of the whole Project, openly declared that two questions diametrically opposed to each other were before the Committee: the maxims and interests, on the one hand, of great armies in an enemy's country, which imperatively demand security for their communications and for their *rayon* of occupation; and, on the other hand, the principles of war and the interests of the invaded, which cannot admit that a population should be handed over as criminals to justice for having taken up arms against the enemy. A reconciliation of these conflicting interests was, in his opinion, impossible, in the case of a *levée en masse* in an occupied country. In the face of the opposite opinions expressed on the Articles under discussion, only a provisional modification of them was accepted by the meeting, omitting those upon which the greatest disagreement had been shown.

The Conference was unable to arrive even at a provisional modification of Chapter II, "Of Requisitions and Contributions," and, after a variety of views had been expressed, of the most opposite character, the course was adopted of accepting a certain reading in the Project and entering the dissentient opinions in the Protocol.

The Articles in Section 4, "On Reprisals," did not attain to this stage. Sir A. Horsford reported that the general feeling seemed to be that occasions on which reprisals of a severe character had been executed were of far too recent a date to allow the practice to be discussed calmly, and the Articles were withdrawn.

Her Majesty's Government understand that this was the only subject brought before the Conference which appeared likely to give rise to warmth of feeling from its relation with recent events, and they have been glad to find that their apprehensions in this respect have proved unfounded, owing to the tact and moderation of the President and of the several Delegates, and, in some measure, as they are willing to believe, from the presence of an impartial and friendly counsellor in Sir A. Horsford.

At the same time, Her Majesty's Government cannot conceal from themselves that, in passing over these Articles in silence, the Delegates really evaded one of the principal difficulties inherent in any scheme for the preparation of the rules of war to be observed by belligerents, namely, the question how those rules are to be enforced.

Rules of international law in which the interests of neutrals
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and belligerents are concerned can be enforced in the last resort by recourse to war.

In the case, however, of countries already engaged in hostilities, there will be no means, except by reprisals, for either belligerent to enforce upon the other the observance of any set rules.

It is true that, on the outbreak of war, it would be almost certain that one or other belligerent would appeal to neutral nations against some real, or supposed, infraction of these rules by his opponent. It can, however, scarcely be seriously contemplated that neutral countries should intervene to enforce their observance; and, unless their interference were attended by the exercise of compulsion, in which case the circle of hostilities would soon be indefinitely enlarged, it cannot be supposed that the contending nations would respect it.

The remaining Articles of the Project, in the words of Baron Jomini, "*ont été l'objet de rédactions transactionnelles, destinées à concilier toutes les nuances d'opinion.*" They relate to the "Means of injuring the Enemy," "Sieges and Bombardments," "Spies," "Prisoners of War," "Bearers of Flags of Truce," "Capitulations," "Sick and Wounded," "Armistices," "Belligerents interned and Wounded treated in Neutral Territory." Of these, the Articles on Sick and Wounded, originally 7 in number, have been reduced to one, relegating the whole matter to the operation of the Geneva Convention. The Articles relating to Capitulations and Armistices are also merely formal. Those concerning Spies and Flags of Truce only profess to record existing military practice, as do the Articles respecting Sieges and Bombardments; though Her Majesty's Government are not confident of the correctness of this description. The 12 Articles with regard to Prisoners of War appear to Her Majesty's Government to be important only in so far as they show the manner in which the original objects of the Project and the humane intentions of the Emperor of Russia have become obscured in the attempt to devise general rules of warfare. The Articles themselves may possibly serve some useful purpose in recording the view taken by the Delegates at Brussels of some details of the usual treatment of prisoners of war. It was not, however, proved that any real necessity existed for regulating these details, still less that an international agreement on the subject was required. From the spirit of compromise adopted in framing the Articles to which I have referred, as mentioned by Baron Jomini, it is more than probable that a close scrutiny would show that many of the Articles admit, or invite, differences of interpretation, and Her Majesty's Government need hardly point out how serious would be the consequences should this be found to be the case in respect to the Articles on "Belligerents interned and of Wounded treated in Neutral Territory."

It will have been seen from the foregoing observations that Her Majesty's Government regard the result of the Brussels Conference to have been to demonstrate that there is no possibility of an agreement upon the really important Articles of the Russian Project; that the interests of the invader and the invaded are irreconcilable; and that, even if certain rules of warfare could be framed in terms which would meet with acquiescence, they would prove to exercise little more than that fictitious restraint deprecated by the Russian Government at the opening of the Conference.

Under these circumstances Her Majesty's Government cannot consent to pursue the matter or to take part in any further negotiations or Conferences upon it.

In my despatch of the 28th of September I stated that Her Majesty's Government desired it to be distinctly understood that, by authorizing the signature of the Final Protocol, they did not accept the rules thereto annexed. A careful consideration of the whole matter has convinced them that it is their duty firmly to repudiate, on behalf of Great Britain and her allies in any future war, any project for altering the principles of international law upon which this country has hitherto acted, and above all to refuse to be a party to any agreement, the effect of which would be to facilitate aggressive wars, and to paralyse the patriotic resistance of an invaded people.

Your Excellency will read this despatch to Prince Gortchacow, and furnish him with a copy of it.

I am, &c.,

Lord A. Loftus.

DERBY.

Prince Gortchacow to Count Schouvaloff.—(Communicated to the Earl of Derby by Count Schouvaloff, February 12.)

M. LE COMTE,

St. Pétersbourg, le ^{24 Janvier,}_{5 Février,} 1875.

M. L'AMBASSADEUR d'Angleterre m'a donné, d'ordre de son Gouvernement, communication d'une dépêche de Lord Derby datée du 20 Janvier, et dont je joins ci-près une copie pour votre information.

Je me suis fait un devoir de porter cette pièce à la connaissance de Sa Majesté l'Empereur.

Notre auguste Maître a été sensible à la manière dont Lord Derby apprécie la pensée d'humanité qui l'a inspiré en convoquant les Gouvernements Européens à une entente commune dans le but de rechercher les moyens d'adoucir, autant qu'il est possible, les rigueurs de la guerre. Sa Majesté Impériale regrette d'autant plus la résolution du Gouvernement de Sa Majesté Britannique de ne point s'associer à cette délibération. Il eût été désirable que la voix d'une grande nation, telle que l'Angleterre, se fit entendre dans une enquête dont l'objet paraissait avoir rencontré ses sympathies,

Le Gouvernement de Sa Majesté Britannique est seul juge des motifs qui lui dictent cette abstention. Il ne nous appartient pas d'entrer en polémique à ce sujet. Toutefois, comme la dépêche de Lord Derby renferme un jugement des points de vue et des actes de la Conférence de Bruxelles, je n'ai pas cru inutile de faire quelques observations sur la manière dont nous les envisageons.

Elles sont consignées dans la notice ci-jointe, dont votre Excellence est autorisée à donner copie à M. le Principal Secrétaire d'État de Sa Majesté Britannique en même temps que de la présente dépêche.

Recevez, &c.,

Count Schouvaloff.

GORTCHACOW.

(*Inclosure.*)—*Observations sur la Dépêche de Lord Derby à Lord A. Loftus, en date de Foreign Office, le 20 Janvier, 1875.*

1. LE Projet du Gouvernement Russe sur les Lois et Coutumes de la Guerre n'a nullement en vue d'introduire de nouveaux principes de loi internationale.

Il n'existe pas, à proprement parler, de loi internationale positive. Il y a un *droit des gens*, plus ou moins tacitement admis, et dont quelques parties ont acquis force de loi par les Traités formels.

Au siècle dernier les droits de la neutralité maritime n'existaient pas légalement jusqu'à ce que l'Impératrice Catherine II les eût proclamés et en eût fait l'objet de Traités avec d'autres Gouvernements. L'Angleterre les contesta longtemps comme dérogeant aux lois et coutumes existantes. Aujourd'hui ils sont généralement admis, mais n'ont force de loi obligatoire que par les Traités qui les consacrent et pour les Gouvernements signataires de ces Traités.

Le droit des gens ne s'est pas formé autrement. Des juriconsultes ont posé, de leur propre autorité, des maximes basées sur l'expérience, la morale, l'intérêt public. Elles ont peu à peu passé dans les mœurs et les usages. Quelques-unes précisées, définies, et rendues obligatoires par des Traités sont devenues des lois positives.

Le Projet du Gouvernement Russe n'a pas eu d'autre but que d'en agir ainsi à l'égard des lois et coutumes de la guerre existantes; c'est-à-dire, de rechercher d'un commun accord celle qui pourrait être précisée, définie, complétée, et recevoir une sanction obligatoire par un échange de déclarations entre les Cabinets.

2. La plupart des objections faites par la dépêche Anglaise au Projet de Bruxelles portent au même degré sur le droit des gens tout entier. Il est sans doute difficile de formuler des règles claires et précises qui définissent le caractère et la portée de faits de guerre semblables à l'occupation et de tracer les devoirs et les droits de l'occupant et de l'occupé. Ces difficultés sont inhérentes à la nature même des choses; le droit des gens n'y porte point remède, et la

dépêche Anglaise ne les résout pas davantage en constatant l'inconciliabilité absolue entre les intérêts de l'envahisseur et de l'envahi.

Ce dogme serait la proclamation absolue des droits de la force sans limites. Le droit des gens admet les nécessités de la guerre, la raison les démontre, l'expérience les confirme. La force sera toujours à même de s'en prévaloir.

En laissant les choses dans cet état indéfini, les rapports entre l'occupant et l'occupé, entre le pouvoir militaire et les personnes privées, n'en seraient pas meilleurs ; il ne donnerait pas lieu à moins de violences et de représailles, à moins de griefs, de récriminations, d'invocations réciproques à la loi internationale, et d'interprétations contradictoires de ces vagues principes.

Cependant ce sont là des aggravations très douloureuses des rigueurs de la guerre.

Plus il est difficile d'y remédier, plus cette nécessité s'impose aux Gouvernements et aux peuples à mesure que les progrès de la civilisation accroissent les moyens de guerre et en multiplient les calamités.

Si des Délégués compétents de tous les Gouvernements délibérant dans un esprit de bienveillance réciproque ne sont pas parvenus à s'entendre sur la manière pratique dont ces questions doivent être envisagées, combien plus difficile sera la position respective des armées et des populations au milieu des entraînements de la lutte, en face d'une incertitude qui ouvre la porte à tous les excès, à toutes les souffrances ?

C'est précisément puisque le droit des gens manque de précision et de clarté que le projet de Bruxelles essaye de suppléer, dans la mesure du possible, à ces incertitudes, à ces lacunes, et à ces contradictions.

C'est parce qu'il manque de sanction que la Conférence a voulu y ajouter la seule sanction possible en pratique, celle résultant de déclarations réciproquement échangées entre les Gouvernements, et devenus la base des instructions de leurs armées.

Quelques imparfaites que soient encore les règles proposées, les Gouvernements qui les ont discutées et les auront acceptées, l'auront fait dans un esprit d'humanité. Il y a donc lieu de penser qu'ils les interpréteraient en pratique dans le même esprit. Le progrès de la civilisation et le lien des intérêts ne peuvent qu'accroître ce sentiment de solidarité générale, qui tendrait à apporter quelque adoucissement aux souffrances par le fléau de la guerre.

Le Gouvernement Russe a pensé, et pense encore, que dans quelque mesure qu'on atteigne ce résultat, on aurait rendu un service réel à l'humanité.

3. La dépêche Anglaise appuie exclusivement les points de vue énoncés au profit des États faibles.

Cependant, la guerre peut ne pas toujours avoir lieu entre un grand et un petit État. Elle peut se faire entre Puissances présumées d'égale force. Ce sont même les plus terribles, et il est impossible de ne pas prendre cette éventualité en considération.

Parmi les États exposés à faire la guerre il y en a qui, par leur position, n'ont à prévoir que des guerres agressives, d'autres qui n'ont en vue des guerres défensives. Les premiers voudraient ne mettre aucune limite à l'exercice de la force, les seconds voudraient ne lui reconnaître aucun droit.

Mais il y en a d'autres qui sont exposés à courir les mêmes chances, selon la fortune des batailles. Ce sont les meilleurs juges dans la question, et il s'est manifesté entre eux une certaine solidarité.

Ils savent en effet que le vainqueur d'aujourd'hui peut être le vaincu de demain. Ils sont donc intéressés à envisager avec impartialité les droits et les devoirs du plus faible, aussi bien que ceux du plus fort. Et si les principes qu'ils croient pouvoir admettre ont pour objet de rendre la guerre moins cruelle en la régularisant, il semble hors de doute que les États plus faibles en profiteront également.

La théorie d'après laquelle, tout en admettant que le plus fort peut dans certains cas être obligé d'user de rigueurs, et que le plus faible peut être obligé de s'y soumettre, on préférerait néanmoins subir la force plutôt que de la reconnaître, aboutirait en définitive à établir les droits absolus de la force (qui serait la seule mesure des rigueurs à exercer) et de la soumission obligatoire. On ne peut qu'être frappé de voir cette assertion émise par les prétendus défenseurs des faibles.

Il est évident que pour tracer les limites que la force ne devrait pas dépasser, il faut préciser celles jusqu'où il lui est permis de s'exercer.

En s'attribuant des droits illimités le plus faible autoriserait le plus fort à n'accepter d'autres limites à ses droits que celles nécessitées par ses propres convenances ou sa propre sécurité. On tomberait dans la guerre sauvage, et l'on n'aperçoit point ce que les États faibles en particulier auraient à y gagner.

4. Le Projet Russe n'a nullement en vue de développer la puissance militaire des grands États et de procurer des avantages à ceux qui ont de grandes armées et le service militaire obligatoire.

Ces puissances existent. Les avantages qu'elles puisent dans leur organisation militaire existent également. Ce n'est pas la Conférence qui les a créés.

On peut regretter cet état de choses, mais du moment qu'il existe il semble que les seuls moyens pratiques d'y remédier sont :—

1. De prévenir les conflits entre ces grandes agglomérations de

forces militaires ; et 2, lorsque ces conflits éclatent, de restreindre les effets de leur puissance destructive.

Le premier de ces moyens relève de l'action politique des Gouvernements, de leur sagesse, et de leur modération, appuyées sur la solidarité des intérêts généraux qui s'attachent de nos jours au maintien de la paix.

Le second a été l'objet de la Réunion de Bruxelles.

La question posée par le Gouvernement Russe a été de savoir si, au lieu d'abandonner ces grandes forces militaires, sans règles ni frein, aux entraînements de luttes qui prendraient un caractère d'extermination, il ne serait pas de l'intérêt général de convenir, d'un commun accord, de certaines règles puisées dans les lois et coutumes existantes et destinées à limiter dans la mesure du possible les dimensions et les conséquences de ces luttes, à empêcher le plus fort et le plus faible de pousser à l'extrême l'exercice des droits de la guerre ; à restreindre les violences qui amènent les représailles et à concilier les nécessités de la guerre avec les intérêts de l'humanité. Quelque difficile que puisse être ce problème, le Gouvernement Russe a pensé et pense encore qu'il est du devoir et de l'intérêt de tous les États d'en poursuivre en commun la solution.

5. Il est à remarquer qu'on reproche au Projet de la Conférence de Bruxelles tantôt de développer le militarisme, tantôt de paralyser la défense nationale.

Il est cependant évident qu'un État qui développe son organisation militaire crée des éléments pour sa défense aussi bien que pour l'attaque.

La plupart des États Européens se préoccupent depuis longtemps des moyens de préparer des forces défensives à côté de leurs armées actives. Quelques uns y ont déjà pourvu par des mesures législatives, qui ont porté leur défense nationale au plus haut degré de puissance effective. La Conférence de Bruxelles n'a donc fait que constater et régulariser un fait qui est dans la force des choses et les nécessités de l'époque. Loin de restreindre la défense nationale elle tend au contraire à la renforcer, d'une part en la rendant plus efficace, d'autre part en la soustrayant aux conséquences des abus de la force et en lui assurant un traitement régulier de la part de l'ennemi. Les conditions proposées à cet effet ont été réduites à leur plus simple expression.

Elles sont d'une application facile et peu onéreuse. Leur but est surtout de distinguer le citoyen qui défend son pays du maraudeur, du pillard, et de l'assassin ; d'assurer au premier les égards auxquels il a droit, et de lui épargner les rigueurs que les lois et coutumes de la guerre autorisent à l'égard du second.

Ces conditions n'impliquent nullement le service militaire obligatoire. La défense nationale peut parfaitement rester facultative,

tout en recevant une certaine organisation. Elle a même été affranchi de cette condition d'organisation dans les cas de levée en masse spontanée à l'approche de l'ennemi.

La faculté de soulèvement à ses risques et périls reste toujours réservée à une population énergique, et ces risques et périls ne sont pas autres que ceux admis par les lois et coutumes existantes. Ce que le Projet de Bruxelles y ajoute c'est, l'obligation pour l'envahisseur de traiter régulièrement la défense nationale, lorsqu'elle est pourvue d'une organisation suffisante pour garantir qu'elle se conformera aux lois et coutumes de la guerre.

6. Quant au mode adopté pour les travaux de la Conférence, les Délégués Russes ont proposé de n'acter que les points d'accord afin de faciliter une entente. Lorsque les divergences d'opinion se sont accentuées sur les questions les plus essentielles, ils ont proposé de consigner toutes les opinions dans les Protocoles afin que là où il n'y avait pas entente il y eut la lumière qui doit précéder toute entente sérieuse.

Ils ont été les premiers à signaler les inconvénients de transactions de pure forme dans des questions graves où les seules transactions réelles étaient celles qui porteraient sur le fond.

Toutefois, comme il n'y avait pas d'autre moyen de consigner la résultante des débats contradictoires, il a été convenu que tout en arrêtant des rédactions transactionnelles dans le Projet, les opinions séparées inscrites aux Protocoles y serviraient de commentaires.

Ce mode est usité dans toutes les législations, où à côté du Code qui pose des règles générales il y a l'interprétation des lois appliquées aux cas particuliers.

Lors même que la Conférence n'aurait pas d'autre suite pour le moment, ses travaux resteront comme une enquête solennelle qui constate comment la guerre, ses nécessités et ses conséquences, sont envisagés actuellement par tous les États civilisés. Les Protocoles seront consultés en cas de guerre comme un témoignage d'une grande valeur morale.

Il est permis d'avoir l'assurance que ce travail ne sera pas infructueux, et que, développé et sanctionné par l'expérience, il contribuera à fixer les lois de la guerre dans un sens profitable à la civilisation et à l'humanité. C'est pourquoi il est à regretter que la voix de l'Angleterre ne se soit pas fait entendre en Conférence.

7. Les Articles spéciaux du Projet qui ont abouti à un accord par des rédactions transactionnelles, loin de s'être bornés à consacrer des pratiques généralement admises, ont tous donné lieu à des opinions divergentes et à de laborieuses discussions.

Le fait même que l'accord n'a pu s'établir que par des rédactions transactionnelles le prouve suffisamment. Rien ne démontre mieux, au contraire, combien le droit des gens est obscur, même dans les

questions en apparence les plus simples et les moins sujettes à contestation.

8. Quant au Chapitre sur les Représailles, il n'était pas le seul qui eut pu donner lieu à des discussions brûlantes. Il n'y a presque pas une seule des questions discutées qui n'eût pas provoqué des applications irritantes aux dernières guerres. Le Gouvernement Russe a eu confiance dans les lumières et les sentiments des Gouvernements auxquels il avait fait appel, et cette confiance a été parfaitement justifiée par leurs délégués. À plus forte raison doit-on présumer qu'il en serait de même en cas d'une seconde réunion.

Ce Chapitre n'a point été supprimé par ce motif, mais par suite du sentiment qui a porté en général plusieurs Délégués à préférer subir un mal sans limites plutôt que de la restreindre et de l'atténuer en le constatant pour le régulariser.

Les représailles resteront donc en fait comme une des plus dures nécessités de la guerre.

Le droit des gens les reconnaît et l'expérience les confirme. Seulement elles s'accompliront sans règles ni limites. Il reste à démontrer ce qu'y auront gagné les vainqueurs aussi bien que les vaincus de l'avenir.

La dépêche Anglaise constate qu'en supprimant ce Chapitre la Conférence a éludé une des principales difficultés : celle de définir comment forcer à l'obligation des règles établies.

Elle reconnaît que le seul moyen est d'user de représailles en cas de violation.

Cet argument s'applique par les mêmes raisons au droit des gens tout entier dans son état actuel.

C'est la meilleure preuve de son imperfection, et il est remarquable que, d'un côté, on refuse de reconnaître au nom du droit des gens le principe des représailles, et que d'un autre côté on pose ce principe comme l'unique sanction des règles de la guerre.

Le Projet de Bruxelles a précisément en vue de remédier à cet état de choses en donnant aux lois et coutumes de la guerre la sanction morale résultant d'engagements réciproques.

Si, conformément à ce Projet, les principes du droit des gens, élucidés et complétés dans la mesure du possible, étaient placés sous la garantie de déclarations publiques échangées entre les Gouvernements et parties obligatoirement à la connaissance de leurs armées, il est permis de croire qu'on aurait restreint le nombre des cas où l'on est forcé de demander aux seules représailles la sanction qui lui a manqué jusqu'à présent.

9. Si néanmoins le Gouvernement Anglais déclare, en concluant, qu'il s'en tiendra aux principes de la loi internationale sur laquelle il a jusqu'ici réglé ses actes, et qu'il imposera la même obligation à ses alliés, il eût été à désirer qu'il complétât sa pensée en déclarant

quels sont ces principes. Comment lui et ses alliés interprètent les points douteux et comblent les lacunes de la loi internationale, principalement à l'égard des questions qui ont fait l'objet des discussions de Bruxelles ? Comment ils entendent d'après la loi internationale les droits et devoirs réciproques de l'envahisseur et de l'envahi ; de l'occupant et de l'occupé ; de l'agression et de la défense nationale, et les rapports du pouvoir militaire ennemi vis-à-vis des personnes et des propriétés privées ? Quels sont enfin, dans le passé, les actes de guerre d'après lesquels on puisse juger comment ils comptent la pratique à l'avenir ?

La vague que le droit des gens laisse planer sur toutes ces questions capitales, et que le Gouvernement Anglais refuse de contribuer à éclaircir, même par une simple délibération commune, n'a pas empêché et ne diminuera probablement pas les guerres agressives ; il semble douteux qu'il protège plus efficacement que par le passé la défense patriotique des peuples envahis contre les rigueurs ou les abus de la force.

Circular addressed to Her Majesty's Representatives in countries from which Delegates were sent to the Brussels Conference.

MY LORD,

SIR,

Foreign Office, February 17, 1875.

I TRANSMIT to you herewith, for your information, a copy of a note addressed by Prince Gortchacow to the Russian Ambassador at this Court, inclosing a copy of observations made by the Russian Government on the despatch which I addressed to Lord A. Loftus on the 20th of January last, and in which I stated to his Excellency the reasons which preclude Her Majesty's Government from taking any further part in the negotiations respecting the Project on the Laws and Usages of War.

I am, &c.,

DERBY.

CORRESPONDENCE between Great Britain and France, respecting the proposed Channel Tunnel and Railway between France and England.—1874, 1875.

No. 1.—The Count de Jarnac to the Earl of Derby.—(Rec. Oct. 17.)

M. LE COMTE,

Londres, le 16 Octobre, 1874.

UN Comité Anglo-Français, représenté par Lord Richard Grosvenor et M. Michel Chevalier, est en instance auprès du Gouvernement Français pour obtenir la concession d'un chemin de fer sous-marin dans le Détroit du Pas de Calais, destiné à se relier aux voies ferrées actuellement exploitées dans les deux pays. Ce projet a déjà donné

lieu, entre nos deux Gouvernements, à un échange de correspondances qui témoignaient d'un mutuel désir de favoriser toute entreprise tendant à améliorer les communications directes entre l'Angleterre et la France.

L'étude de la question, qui avait été interrompue par la guerre, a été reprise l'année dernière ; le projet de Tunnel présenté par le Comité Anglo-Français a été soumis, dans le Département du Pas de Calais, à une enquête d'utilité publique ; les résultats de cette instruction ont enfin été, avec tous les autres documents se rattachant à l'affaire, placés sous les yeux du Conseil-Général des Ponts et Chaussées, après avoir été préalablement examinés par une Commission spéciale instituée sous la présidence de M. Kleitz, Inspecteur-Général des Ponts et Chaussées.

Le Conseil, après en avoir mûrement délibéré, a été d'avis qu'il y avait lieu de surseoir à la déclaration d'utilité publique du Tunnel projeté ; mais il a admis, avec la Commission Spéciale, qu'il convenait d'accorder aux demandeurs une concession éventuelle sous des conditions déterminées, afin de leur permettre d'exécuter des travaux préparatoires propres à démontrer la possibilité de l'entreprise.

Telle est, M. le Comte, la marche que le Gouvernement Français se propose d'adopter. Il a toutefois pensé qu'il ne saurait donner suite à ses intentions avant d'être assuré que le Gouvernement de Sa Majesté Britannique n'a pas d'objection à élever contre le mode de procéder qui lui a été suggéré par le Conseil-Général des Ponts et Chaussées.

Afin de mettre votre Excellence en mesure d'examiner, en pleine connaissance de cause, cette importante question, j'ai l'honneur de lui adresser, ci-joint, une copie du Rapport de la Commission Spéciale contenant un exposé complet de l'affaire, l'avis du Conseil-Général des Ponts et Chaussées, enfin le projet de Convention qui a été préparé par ce Conseil pour l'exécution, par la Compagnie demanderesse, quand l'utilité publique en aura été reconnue, d'un chemin de fer partant d'un point à déterminer sur la ligne de Boulogne à Calais, en pénétrant sous la mer, pour se diriger vers l'Angleterre à la rencontre d'un chemin parti de la côte Anglaise dans la direction du littoral Français. Vous trouverez également ci-joint, M. le Comte, un plan, un profil en long, un type de puits de sondage, et une notice sur les travaux préliminaires à exécuter.

Je serais reconnaissant à votre Excellence de vouloir bien, après l'examen des diverses pièces que j'ai l'honneur de lui transmettre, me faire connaître les vues du Gouvernement de Sa Majesté Britannique sur le projet auquel elles se réfèrent.

Veuillez, &c.,

The Earl of Derby.

JARNAC.

(Inclosure 1.)—*Commission des Communications entre la France et l'Angleterre.—Chemin de fer sous-marin à travers le Détroit du Pas de Calais.*

Rapport au Ministre des Travaux Publics sur la demande en Concession de MM. Michel Chevalier et consorts.

Conclusions.

CONFORMÉMENT aux considérations qui viennent d'être exposées, la Commission a adopté l'avis motivé suivant :—

La Commission :

Après avoir pris connaissance de toutes les pièces du dossier,

Après avoir entendu les représentants et les Ingénieurs du Comité Français ;—

En ce qui concerne la déclaration d'utilité publique :

Considérant que les pièces produites dans l'enquête sont insuffisantes et ne satisfont pas aux prescriptions de l'ordonnance du 18 Février, 1834,

Considérant, en outre, que le caractère international de l'ouvrage projeté rend nécessaire un accord préalable entre les Gouvernements intéressés,

Est d'avis qu'il n'y a pas lieu, quant à présent, de prononcer la déclaration d'utilité publique ;—

En ce qui concerne la demande en concession :

Considérant qu'il convient de faciliter la tâche des demandeurs en leur accordant une concession éventuelle, subordonnée à l'exécution de travaux préparatoires propres à démontrer la possibilité de l'entreprise,

Considérant, d'autre part, que l'importance stratégique du Tunnel exige l'intervention des services de la guerre et de la marine,

Est d'avis qu'il y a lieu :

1. De s'assurer, tout d'abord, de l'adhésion des Ministres de la Guerre et de la Marine, et, à défaut de cette adhésion immédiate, de procéder aux conférences mixtes exigées par le Décret du 16 Août, 1873.

2. De soumettre ensuite à l'approbation de l'Assemblée Nationale le Projet de Convention ci-après.

(Inclosures 2 to 4.)—*Lithographed Plans.*

(Inclosure 5.)—*Memorandum respecting Preliminary Works to be executed.*

No. 2B.—The Earl of Derby to Lord Lyons.

(Extract.)

Foreign Office, December 24, 1874.

THE views of the French Government, as expressed in the accompanying papers, have, it appears, been formed upon a Report

drawn up by a French Commission appointed to consider the question of Channel communication, supplemented by the decision of the Conseil-Général des Ponts et Chaussées upon the various points under consideration.

The principal recommendations of the Commission and of the Council, which have been arrived at unanimously, are:—

1. That facility should be afforded to the Company to carry out certain preliminary works which, if pronounced sufficient to establish the practicability of the scheme, shall entitle the Company to an eventual concession;

2. That such concession should be made for 99 years, to date from the time when the submarine railway is open for traffic; and—

3. That no concession should, for a period of 30 years from that time, be granted for the construction of any other submarine railway between the shores of England and France.

The reasons assigned for the recommendations of the Commission and of the Council are fully stated in the inclosed papers.

The French Government being desirous, before giving effect to the views above set forth, of being assured that Her Majesty's Government have no objection to make to the course thus proposed, I have considered it desirable to request to be furnished with the views of the Board of Trade upon this subject; and I have now received their reply.

The Board of Trade state that, in this country, notice has been given of a Bill to be introduced into Parliament to enable the promoters of the Tunnel scheme to acquire lands at St. Margaret's Bay.

That the immediate object of this Bill is to enable the promoters to acquire land for the purpose of making their experimental shafts and driftways; but that supposing such land to be acquired, it is difficult to see what further powers they will require from Her Majesty's Government or from Parliament in order to make the Tunnel. Her Majesty's Government would be bound by no concessions; and the Company would be bound by no conditions except such as might be introduced by Parliament into the Bill. Before, therefore, such Bill passes, it will be expedient for Her Majesty's Government to decide whether it is desirable that they should make any, and if so what terms, with the promoters; whilst it is at the same time evident that, although they stand in a different relation towards the two Governments in regard to the privileges to be sought from them, it is essential that, as the works when completed will form one undertaking, the conditions imposed upon the promoters by the two Governments should be the same.

The time, therefore, appears to have arrived when it is desirable that Her Majesty's Government should determine whether they

ought to encourage this undertaking ; and if so, upon what conditions.

Of the utility of the work in question, if successfully carried out, there appears no room for any doubt ; and Her Majesty's Government would therefore offer no opposition to it, provided they are not asked for any gift, loan, or guarantee in connection therewith.

As to the physical probability of the undertaking being completed, or as to its probable financial success, Her Majesty's Government will not offer an opinion ; but on this latter point it will be for the promoters to weigh well the consideration of the large sum that will be required for this work, and of the competition by sea as regards the carriage of merchandize, if not of passengers, which must always be expected to exist.

Her Majesty's Government see no objection to the proposal that the preliminary concession to the French promoters for executing the preliminary works shall be for a term of 3 years, nor for the concession of 5 years for making a definite contract with an English company for the completion of the undertaking ; and they consider that the terms granted to the promoters on this side the Channel should correspond ; and, further, that if the promoters fail to fulfil these conditions, the land in England occupied by them, and the works upon it, should revert either to the Crown, or to other present owners, so that the occupation of the land by a company which has failed may not stand in the way of any other undertaking.

Her Majesty's Government see no objection to the proposed grant to the promoters of a monopoly for 30 years after the final completion and opening of the Tunnel, nor to the concession itself extending to a period of 99 years from the same date. They feel, however, that the question deserves consideration whether some time after the completion of the preliminary working should not be fixed within which the Tunnel shall be completed and opened, with a condition that, if not opened by that time, the powers of the promoters shall cease and the land revert to the owners ; as without some such provision the execution of the Tunnel may be indefinitely prolonged, whilst the engagement to grant a monopoly upon completion would still remain in force.

To the proposed postponement of the determination of the tariff of charges until the final concession is made Her Majesty's Government see no objection, provided that the freedom of the French Government on the one hand, and of the British Parliament on the other, is distinctly reserved.

In regard to the reference made in the papers received from Count de Jarnac to the military necessities of either country, Her Majesty's Government will only now observe that they must retain

absolute power not only to erect and maintain such works at the English mouth of the Tunnel as they may deem expedient, but also, should they apprehend danger of war, or of intended war, to stop traffic through the Tunnel; and it remains to be considered whether they should not have the right to exercise their power without claim for compensation.

It appears to be intended that there shall be two companies, an English company on the English side, and a French company on the French side; but it is not evident from the papers which accompanied Count de Jarnac's letter, how the two companies are to work together, or where their respective property, powers, and liabilities are to end, and these are matters which it appears to Her Majesty's Government will have to be provided for.

Such are the views of Her Majesty's Government upon this question as now submitted to their consideration by the French Government, so far as the papers lately communicated to them have enabled them to arrive at conclusion upon the general question of the utility of the Tunnel scheme, and the conditions upon which it may receive the countenance and assistance of the respective Governments of England and France; and I have accordingly to authorize your Excellency to communicate these views to the French Government, and to state that, subject to the observations above expressed, Her Majesty's Government approve of the course which the French Government propose to follow in regard to the undertaking in question.

Lord Lyons.

DERBY.

No. 3.—The Earl of Derby to Count de Jarnac.

M. L'AMBASSADEUR,

Foreign Office, December 24, 1874.

SINCE the receipt of your Excellency's letter of the 16th of October last, Her Majesty's Government have been engaged in the consideration of the various questions therein referred to, in connection with the projected Submarine Tunnel between this country and France, on which subject your Excellency has requested to be furnished with the views of Her Majesty's Government.

Your Excellency is probably aware that Her Majesty's Embassy at Paris has been the channel through which the questions relating to the previous stages of this subject have been discussed between the British and French Governments; and your Excellency will, no doubt, concur in the opinion that it may be the more convenient course to pursue in the further consideration of the matter in question.

With this view Her Majesty's Ambassador at Paris has been instructed to communicate to your Excellency's Government the opinions entertained, and the conclusions arrived at by Her Majesty's

Government on this subject, so far as they are at present able to form an opinion upon the various points submitted to their consideration, and upon some others which are naturally suggested by the many considerations which are involved in so novel an undertaking.

In reply to your Excellency's communication, however, I will now do myself the honour of stating briefly what is the opinion of Her Majesty's Government upon the principal points embraced in your letter and its inclosures.

Of the utility of the work in question, if successfully carried out, there appears no reason for any doubt, and Her Majesty's Government would, therefore, offer no opposition to it, provided they are not asked for any gift, or loan, or guarantee, in connection therewith.

Her Majesty's Government consider that it is for the promoters of the undertakings to weigh well the questions of the physical possibility of the undertaking, and its probable financial success; but they see no objection to the proposed preliminary concession to the French promoters, for the execution of the preliminary works, for a term of 3 years, nor to the concession of 5 years for making a definite contract with an English company for the completion of the undertaking, on the understanding that, should the promoters fail to fulfil these conditions, the land in England occupied by them, and the works upon it, should revert to the Crown, or other present owners thereof, so that the occupation of the land by a company which has failed may not stand in the way of any other undertaking.

Her Majesty's Government have no objection to offer to the proposed grant to the promoters of a monopoly for 30 years after the final completion of and opening of the Tunnel, nor to the concession itself extending to a period of 99 years from the same date, the question being reserved of some limitation being imposed as to the date of the final completion.

In regard to the above, and various other points connected with the consideration of this undertaking, Her Majesty's Ambassador at Paris has been instructed, as I have already stated to your Excellency, to communicate to the French Government the views of, and the decision arrived at by, Her Majesty's Government; but I have thought it would not be without interest to your Excellency to be directly informed of the purport of those views, so far as regards the principal matters treated of in your Excellency's recent communication.

I am, &c.,

Count de Jarnac.

DERBY.

No. 4.—Lord Lyons to the Earl of Derby.—(Received December 30.)
 MY LORD, *Paris, December 26, 1874.*

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government, in the terms of

your Lordship's despatch of the day before yesterday, directing me to communicate to that Government the views of Her Majesty's Government respecting the projected Submarine Tunnel between England and France.

I have, &c.,

The Earl of Derby.

LYONS.

No. 9.—Lord Lyons to the Earl of Derby.—(Received February 3.)

MY LORD,

Paris, January 31, 1875.

WITH reference to my despatch of the 19th instant, and to your Lordship's despatch of the 30th instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of yesterday and to-day, 3 copies of the documents laid before the National Assembly by the French Government on bringing in the Bill for sanctioning the Submarine Tunnel between France and England.

These documents consist of—

1. An "Exposé des Motifs."
2. A "Projet de Loi" or draft Bill.
3. A "Convention," or agreement between the Minister of Public Works, acting on behalf of the State, and M. Michel Chevalier, acting on behalf of the French Tunnel Company.
4. A "Cahier des Charges," in which the obligations and rights of the Company are set forth in detail.

The "Exposé des Motifs" is, of course, simply an explanation of the proposed Bill and its several clauses, and forms no part of the legislative enactments contemplated; but the "Convention" and "Cahier des Charges" form integral parts of those enactments.

It very much facilitates the introduction of alterations into a Bill brought into the French Assembly, that they should be proposed to the Committee before the Report is drawn up and laid on the Table. It is possible that a careful examination of the documents by competent persons might show that they do not give full effect to the views stated in your Lordship's despatch of the 24th of December last, or might suggest the advantage of additional observations; and, in either case, it would no doubt be desirable that a further communication should be made to the French Government without any avoidable delay.

The intention of the French Government to give full satisfaction to Her Majesty's Government with regard to the observations contained in my note, is expressed in the "Exposé des Motifs," in the following passage:—

"Enfin, par une lettre adressée le 26 Décembre, 1874, à M. le Ministre des Affaires Étrangères, l'Ambassadeur de Sa Majesté Britannique à Paris fait connaître que le Gouvernement Anglais

adhère, en principe, aux dispositions proposées par le Gouvernement Français en vue de l'établissement d'un Tunnel Sous-marin entre la France et l'Angleterre, sous la seule réserve de quelques observations auxquelles le Gouvernement Français ne manquera pas de donner une entière satisfaction."

I have myself looked carefully into the "Projet de Loi," "Convention," and "Cahier des Charges," but I do not consider myself competent to determine whether or no they are sufficiently in accordance with the views of Her Majesty's Government.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—*Extract from the "Journal Officiel" of January 30, 1875.*

Annexe No. 2,840.

(Séance du 18 Janvier, 1875.)

PROJET de Loi ayant pour objet la déclaration d'utilité publique et la concession d'un chemin de fer partant d'un point à déterminer, sur la ligne de Boulogne à Calais, pénétrant sous la mer et se dirigeant vers l'Angleterre, jusqu'à la rencontre d'un pareil chemin parti de la côte Anglaise dans la direction du littoral Français, présenté par M. le Maréchal de MacMahon, Duc de Magenta, Président de la République Française, et par M. Cail-
laux, Ministre des Travaux Publics.

Exposé des Motifs.

Projet de Loi.

Chemin de Fer Sous-marin entre la France et l'Angleterre.

CONVENTION l'an 1875 et le 16^e Janvier, entre le Ministre des Travaux Publics, agissant au nom de l'État, sous la réserve de l'approbation des présentes par une loi, d'une part, et M. Michel Chevalier, Membre de l'Institut, Président d'une société en formation, agissant tant en son nom personnel qu'au nom de la dite société, d'autre part, il a été dit et convenu ce qui suit : —

Cahier des Charges de la Concession du Chemin de Fer Sous-marin entre la France et l'Angleterre.

TITRE I.—*Tracé et Construction.*

TITRE II.—*Entretien et Exploitation.*

TITRE III.—*Durée, Rachat, et Déchéance de la Concession.*

TITRE IV.—*Taxes et Conditions relatives au Transport des Voyageurs et des Marchandises.*

TITRE V.—*Stipulations relatives à divers Services Publics.*

TITRE VI.—*Clauses diverses.*

No. 14.—The Earl of Derby to Lord Lyons.

MY LORD,

Foreign Office, February 13, 1875.

WITH reference to your Lordship's despatch of the 31st ultimo, and to previous correspondence respecting the proposed Channel Tunnel, I transmit to your Excellency a copy of a letter from the Treasury stating what are the views of that Department in regard to the steps which Her Majesty's Government ought to take, with reference to the Bill to be introduced into Parliament to authorize the Channel Tunnel Company to acquire lands for their preliminary operations, for the protection of public interests in regard to this undertaking.

The Board of Treasury state, generally, that they consider it necessary that some preliminary conditions should be imposed upon the promoters of the scheme, but that before determining what these should be, it will be necessary to ascertain clearly what conditions are to be imposed by the Government of France; and that, furthermore, it is important to come to an understanding with that Government, not only as to the relative positions of the two countries towards each other in regard to this enterprise, but also towards its promoters, in default of which serious difficulties may be expected to arise.

Without attempting to specify in detail what are the questions which will have to be considered, although that of the limits of jurisdiction between the two countries, and the question of the code of laws which shall regulate the management of the railways, obviously present themselves, the Board of Treasury suggests whether it might not be expedient to propose the establishment of a small Joint Committee composed of representatives of both nations, to draw up a provisional code of regulations, to be submitted to the two Governments for approval, and which, when approved, might be presented to the promoters for their acceptance, the progress of the Bill being in the meantime suspended, though without any unnecessary delay being interposed.

I have now to request that your Excellency will lose no time in communicating with the French Government on this subject, to whom you will recommend the adoption of the course proposed by the Treasury; and you will request to be favoured with as early a decision on this subject as may be possible. I am, &c.,

Lord Lyons.

DERBY.

No. 16.—Lord Lyons to the Earl of Derby.—(Received February 15.)

MY LORD,

Paris, February 14, 1875.

I HAVE the honour to inclose a copy of a note in which, in execution of the instruction contained in your Lordship's despatch

of yesterday, I have proposed to the French Government the appointment of a Joint Commission to draw up regulations with regard to the intended Submarine Tunnel between England and France.

Detailed information respecting the conditions which the French Government at present intends to impose upon the French promoters of the undertaking is contained in the "Exposé des Motifs," "Projet de Loi," "Convention" and "Cahier des Charges," which were laid on the Table of the National Assembly by the Minister of Public Works, on the 18th ultimo, and of which copies were transmitted to your Lordship with my despatch of the 31st ultimo.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—Lord Lyons to the Duc Decazes.

M. LE MINISTRE,

Paris, February 14, 1875.

WITH reference to my note of the 26th of December last, I have the honour to inform your Excellency that Her Majesty's Government have under their consideration the course to be taken by them with regard to a Bill which is being introduced into Parliament by the promoters of the scheme for constructing a Submarine Tunnel between England and France.

Her Majesty's Government deem it to be necessary to impose some preliminary conditions upon the promoters, in order to protect the interests of the public, but they do not feel able to settle those conditions without previous communication with the Government of France.

Her Majesty's Government think it important not only to ascertain distinctly what conditions are to be imposed upon the French promoters of the enterprise by the French Government, but also to come to an understanding with that Government upon the relative position of the two countries with regard to the inception and conduct of the undertaking.

It is, indeed, obvious that numerous difficult questions might arise, not only between one or the other Government and the promoters of the enterprise, but also between the two Governments themselves, if no agreement were entered into, and no means of solving such questions provided beforehand. Her Majesty's Government have therefore directed me to propose to the French Government the establishment of a small Joint Commission, composed of representatives of both nations, to draw up a provisional code of regulations, which might be submitted to the two Governments for approval, and which, when approved, might be presented to the promoters for their acceptance.

The progress of the Bill before Parliament might in the mean-

time be suspended, though without any unnecessary delay being interposed.

I am instructed to recommend the proposal of Her Majesty's Government to speedy and favourable consideration, and, at the same time, to express their desire to be made acquainted with the decision of the French Government on the subject as soon as may be possible.

I have, &c.,

The Duc Decazes.

LYONS.

No. 18.—The Earl of Derby to Lord Lyons.

MY LORD,

Foreign Office, February 16, 1875.

I HAVE communicated to the Lords of the Committee of Privy Council for Trade a copy of your despatch of the 31st ultimo, inclosing copies of the documents laid before the National Assembly by the French Government, on bringing in the Bill for sanctioning the projected scheme for the Submarine Tunnel, and in reply to my request to be informed whether they had any observations to make on these documents which they would wish to communicate to the French Government, they have replied that, pending the consideration of the proposal for the appointment of a Joint Commission on the subject of this undertaking, they propose to defer offering any observations upon your Excellency's despatch and its inclosures.

I am, &c.,

Lord Lyons.

DERBY.

No. 24.—Lord Lyons to the Earl of Derby.—(Received March 3.)

MY LORD,

Paris, March 2, 1875.

IN my despatch of the 16th ultimo, I had the honour to report to your Lordship that the Duc Decazes had told me on that day that the proposal of Her Majesty's Government for a Joint Commission respecting the Submarine Tunnel was highly approved by the Ministers of Public Works and himself; and that a written official acceptance of it would be sent to me without delay.

I have now the honour to transmit to your Lordship a copy of a note which I received last night from the Duke, and in which he informs me that the Minister of Commerce agrees completely to the proposal, and has appointed three gentlemen, MM. Kleitz, Droeling, and de Lapparent, to represent his Department in the intended Commission.

Your Lordship may remember that on the occasion to which I have referred above, the Duc Decazes expressed a great desire to avoid delay in passing through the Legislatures of the two countries the Bills authorizing the Tunnel; and that he suggested that instead of waiting for the recommendations of the Commission and inserting them in detail in the Bills, a general clause should be introduced

obliging the Companies beforehand to conform to such regulations as might be prescribed thereafter by the two Governments.

Your Lordship will, perhaps, also recollect that the Duc Decazes had some conversation with me on the question whether the Commission should sit in Paris or in London. I have, &c.,

The Earl of Derby.

LYONS.

(*Inclosure.*)—*The Duc Decazes to Lord Lyons.*

M. L'AMBASSADEUR,

Paris, le 1^{er} Mars, 1875.

J'AI fait part à M. le Ministre des Travaux Publics du désir que votre Excellence m'avait exprimé au nom de son Gouvernement de confier à une Commission Mixte, composée d'un nombre restreint de représentants des deux nations, le soin de régler, au mieux des intérêts du public, et sous réserve de l'approbation des Gouvernements, les conditions à imposer aux concessionnaires du Tunnel Sous-marin projeté entre la France et l'Angleterre.

En répondant à cette communication, M. Caillaux me fait savoir qu'il adhère entièrement à la proposition du Gouvernement Britannique, et qu'il a désigné, pour représenter l'Administration des Travaux Publics dans la Commission, MM. les Inspecteurs-Généraux des Ponts et Chaussées Kleitz et Droeling, et M. l'Ingénieur des Mines de Lapparent, qui ont déjà fait partie de la Commission dont le rapport a servi de base à l'examen de l'affaire par le Conseil-Général des Ponts et Chaussées.

Je m'empresse, M. l'Ambassadeur, de vous donner avis de cette décision.

Agréez, &c.,

Lord Lyons.

DECAZES.

No. 26.—The Earl of Derby to Lord Lyons.

MY LORD,

Foreign Office, March 4, 1875.

WITH reference to your Excellency's despatch of the 2nd instant, a copy of which has been communicated to the Board of Treasury, and to previous correspondence respecting the proposed Channel Tunnel, I transmit to your Excellency, for your information, copies of a letter and its inclosures, received from that Department, from which your Excellency will perceive that both the Lords of the Treasury and the Lords of the Committee of Privy Council for Trade are of opinion that it will not be expedient to proceed with the Bill for granting privileges to the promoters of this undertaking until the Commission to be appointed to draw up certain regulations connected therewith shall have reported, and Her Majesty's Government shall have agreed upon the regulations to be adopted.

Your Excellency will have the goodness to communicate to the

French Government the purport of the correspondence above referred to.

I am, &c.,

Lord Lyons.

DERBY.

No. 27.—*Lord Lyons to the Earl of Derby.*—(Received March 8.)

MY LORD,

Paris, March 7, 1875.

I HAVE this morning had the honour to receive your Lordship's despatch of the 4th instant, and, in obedience to the instructions contained in it, I have addressed to the French Government a note, in which I have represented that the Bills for sanctioning the Submarine Tunnel should not be proceeded with in either country until the intended Joint Commission shall have made its report, and the two Governments shall have come to an understanding on the regulations and conditions to be adopted.

I inclose a copy of the note. Your Lordship will see that I have, moreover, suggested in it that the Commission should sit in London.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—*Lord Lyons to the Duc Decazes.*

M. LE MINISTRE,

Paris, March 7, 1875.

I HAD great satisfaction in communicating to Her Majesty's Government the note, dated the 1st instant, in which your Excellency did me the honour to inform me that the French Government fully accepted the proposal of Her Majesty's Government for the establishment of a Joint Commission respecting the proposed Submarine Tunnel between England and France.

It appears to the Lords Commissioners of the Treasury, and to the Lords of the Committee of Privy Council for Trade, that it would not be advisable that the Legislatures in either country should proceed with the laws for sanctioning the undertaking before the Joint Commission shall have made its report, and the two Governments shall have come to an understanding on the regulations and conditions to be adopted. The Treasury and the Board of Trade consider indeed that delay is unavoidable, inasmuch as the essential terms of the Concession to be made (for example, the constitution and duration of the Companies) will form an important part of what the Commission will have to consider. The Lords of the Treasury would, however, be willing to use their influence to obtain a relaxation of the Parliamentary regulations in England in order to assist the promoters to pass the Bill at a late period of the session if the delay now required should render it necessary.

With a view to speed and convenience, Her Majesty's Government would suggest, for the consideration of the French Govern-

ment, that it would be desirable that the Commission should sit in London.

I have, &c.,

The Duc Decazes.

LYONS.

No. 32.—*Lord Lyons to the Earl of Derby.*—(Received March 20.)
MY LORD, *Paris, March 19, 1875.*

I HAVE the honour to transmit to your Lordship a copy of a note, in which, in obedience to the instructions contained in your Lordship's despatch of yesterday, I have informed the French Government of the appointment of Captain Tyler, Mr. Horace Watson, and Mr. Charles Malcolm Kennedy, as British Representatives in the Joint Channel Tunnel Commission.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—*Lord Lyons to the Duc Decazes.*

M. LE MINISTRE,

Paris, March 19, 1875.

WITH reference to the note which your Excellency was so good as to address to me on the 1st instant, and to the answer which I had the honour to make to it on the 7th instant, I hasten to inform you that Her Majesty's Government have decided to appoint Captain Tyler, of the Board of Trade, Mr. Horace Watson, Solicitor to the Department of Woods and Forests, and Mr. Charles Malcolm Kennedy, of the Foreign Office, as the British Representatives in the Joint Commission which the British and French Governments have determined to appoint with regard to the proposed Tunnel between England and France.

I have, &c.,

The Duc Decazes.

LYONS.

No. 33.—*Mr. W. H. Smith to Mr. Kennedy.**—(Received March 23.)
SIR, *Treasury Chambers, March 22, 1875.*

I AM commanded by the Lords Commissioners of Her Majesty's Treasury to inform you that the attention of Her Majesty's Government has recently been directed to the scheme for the construction of a Tunnel beneath the Channel, the promoters of which have introduced a Bill into Parliament in order to obtain the necessary powers to enable them to commence operations in connection with the project.

It appeared to the Government very desirable that, before any powers were conferred on the Company, an understanding should be arrived at, not merely with the Company itself, but also, and primarily, with the French Government, on those points which are of international importance; such, for instance, as the question of the limits of the jurisdiction of each country within the Tunnel, and the question of closing or otherwise neutralising it in time of war or

* Similar letters were addressed to Captain Tyler and Mr. Watson.

apprehended war. It was accordingly suggested to the French Government that a small Joint Committee, composed of representatives of both nations, should be appointed to draw up a provisional code of regulations, which might be submitted to the two Governments for approval, and which, when approved, might be presented to the promoters for their acceptance.

In this suggestion the French Government have very cordially acquiesced, and have appointed as their Representatives MM. Kleitz, Droeling, and de Lapparent.

The appointment of English Representatives has been entrusted to my Lords, and they accordingly desire me to inform you that they have been pleased to select you, Captain Tyler, of the Board of Trade, and Mr. Watson, of the Office of Woods, &c., to act on behalf of Her Majesty's Government. They trust you will be able and willing to undertake this duty, and in that case they request that you will at once proceed to put yourself in communication with the above-named gentlemen, with a view to an early meeting to settle preliminary points, and to ascertain what date could conveniently be fixed for the meeting of the Mixed Commission.

Copies of any papers in the possession of this Department on the subject will be furnished to you, and you will be at liberty to make any suggestions that may occur to you with regard to the more formal instructions which it is probable you will be furnished with before the meeting of the Mixed Commission.

I am, &c.,

C. M. Kennedy, Esq.

W. H. SMITH.

No. 34.—*Mr. Cole to Mr. Lee.*—(Received April 5.)

SIR, *Treasury Chambers, April 5, 1875.*

I AM directed by the Lords Commissioners of Her Majesty's Treasury to acquaint you that, with the permission of the Secretary of State for Foreign Affairs, my Lords have selected you for the appointment of Secretary to the Channel Tunnel Commission.

I am, &c.,

H. Austin Lee, Esq.

JAMES H. COLE,
For Secretary.

No. 35.—*Mr. Adams to the Earl of Derby.*—(Received April 14.)

(Extract.) *Paris, April 13, 1875.*

WITH reference to Lord Lyons' despatches of the 2nd, 7th, and 19th of March, and to previous correspondence respecting the Submarine Tunnel, I have the honour to transmit to your Lordship herewith a copy of a note which I have this afternoon received from the Duc Decazes.

Your Lordship will perceive that the French Government have

no objection to the sittings of the Mixed Commission being held in London, and that M. Droeling, one of the Commissioners, having died, is to be replaced by M. Gavard, Minister Plenipotentiary.

The Earl of Derby.

F. O. ADAMS.

(Inclosure).—*The Duc Decazes to Lord Lyons.*

(Extrait.)

Paris, le 12 Avril, 1875.

J'AI reçu la lettre, en date du 7 du mois dernier, par laquelle votre Excellence m'a fait l'honneur de m'exprimer, au nom de son Gouvernement, le désir que la Commission Mixte qui doit déterminer les conditions à imposer aux concessionnaires du Tunnel Sous-marin entre la France et l'Angleterre tienne ses séances à Londres. Votre Excellence me signalait, en même temps, les inconvénients qui pourraient résulter de ce que la Législature de l'un des deux pays serait saisie des Projets de Loi sanctionnant la concession avant que la Commission eût présenté son rapport et qu'une entente fût intervenue entre les deux Gouvernements ; elle a bien voulu ajouter que les Lords de la Trésorerie seraient disposés à user de leur influence pour abrégé, au besoin, la procédure Parlementaire devant les Chambres Anglaises, à l'effet de faire passer le Bill de Concession avant la fin de la session de cette année.

Après m'être concerté avec mon collègue M. le Ministre des Travaux Publics, j'ai l'honneur d'informer votre Excellence que le Gouvernement Français n'a pas d'objection à élever contre le choix de la ville de Londres comme siège de la Commission Mixte.

En ce qui concerne, d'autre part, la question d'ajournement du projet de loi relatif à la déclaration d'utilité publique et à la Concession du Tunnel Sous-marin, M. Caillaux fait observer que ce projet a été soumis par le Gouvernement, dès le 18 Janvier, à l'Assemblée Nationale, après avoir reçu la communication de votre Excellence en date du 26 Décembre, de laquelle il résultait que le Gouvernement de Sa Majesté Britannique donnait son adhésion aux points principaux du projet. M. le Ministre des Travaux Publics ne pense pas qu'il soit possible d'en ajourner l'examen, après la reprise des séances de l'Assemblée ; mais il se propose de faire insérer dans le Projet de Loi un Article Supplémentaire aux termes duquel la compagnie concessionnaire serait tenue de se conformer aux conditions d'exploitations qui seront fixées par la Convention Internationale à intervenir entre les deux Gouvernements. Cette disposition me paraît devoir donner satisfaction à la demande du Gouvernement de Sa Majesté Britannique.

Votre Excellence a bien voulu me faire connaître, le 19 du mois dernier, les noms des Commissionnaires que son Gouvernement avait choisis pour le représenter dans la Commission Mixte ; je vous remercie, M. l'Ambassadeur, de cette notification.

Depuis la lettre, en date du 1^{er} Mars, par laquelle j'avais donné avis à votre Excellence de la désignation des Délégués Français, M. Caillaux m'a annoncé le décès de l'un d'entre eux, M. Droeling, Inspecteur-Général des Ponts et Chaussées. En vue des questions de droit international que soulève l'entreprise projetée, il a été décidé que M. Droeling serait remplacé par un Délégué choisi en dehors des ingénieurs spécialement compétents pour la partie technique du projet; M. Gavard, Ministre Plénipotentiaire, chargé de l'Ambassade de France à Londres, a été désigné, en conséquence, pour prendre part avec MM. Kleitz, Inspecteur-Général des Ponts et Chaussées, et de Lapparent, Ingénieur des Mines, aux travaux de la Commission Mixte.

DECAZES.

No. 36.—M. Gavard to the Earl of Derby.—(Received April 15.)

M. LE COMTE,

Londres, le 14 Avril, 1875.

JE suis chargé par mon Gouvernement de porter à la connaissance de votre Excellence qu'il m'a désigné pour le représenter dans la Commission Internationale du Tunnel Sous-marin, par suite du décès de M. Droeling, Inspecteur-Général des Ponts et Chaussées, dont il avait d'abord fait choix. Votre Excellence avait été informé de ce choix par l'intermédiaire de l'Ambassadeur de Sa Majesté à Paris, en même temps que de la désignation de MM. Kleitz, Inspecteur-Général des Ponts et Chaussées, et Lapparent, Ingénieur des Mines. En confirmant au Gouvernement de Sa Majesté l'avis déjà parvenu, relativement à ces deux messieurs, j'ai d'ailleurs l'honneur d'informer votre Excellence que mon Gouvernement n'a pas d'objection à ce que la Commission se réunisse à Londres, conformément au désir qui a été exprimé à M. le Duc Decazes par Lord Lyons, et aussitôt qu'il conviendra à votre Excellence.

Veuillez, &c.,

The Earl of Derby.

CH. GAVARD.

No. 39.—The Earl of Derby to M. Gavard.

M. LE MINISTRE,

Foreign Office, April 20, 1875.

I HAVE the honour to acknowledge the receipt of your note of the 14th instant, in which you inform me that the French Government have appointed yourself, M. Kleitz, and M. de Lapparent to be the French members of the Joint Commission for the proposed Channel Tunnel; and in reply I beg to acquaint you that I have received with much pleasure this information as to the nomination of the French Commissioners, as well as the further announcement that the French Government agree to the meeting of the Joint Commission in London.

Her Majesty's Minister in Paris is in communication with the Duc Decazes with respect to certain steps which Her Majesty's Government think advisable to be taken before the meeting of the Commission; and as soon as I am in a position to do so, I will address a further note to you on the subject. I have, &c.,

M. Gavard.

DERBY.

No. 41.—Mr. Adams to the Earl of Derby.—(Received April 24.)

MY LORD,

Paris, April 22, 1875.

I HAVE the honour to inform your Lordship that I have this day addressed a note to the French Government in the terms of your Lordship's despatch of the 20th instant, respecting the proposed Channel Tunnel, and I beg to inclose herewith to your Lordship a copy of that note. I have, &c.,

The Earl of Derby.

F. O. ADAMS.

(Inclosure.)—Mr. Adams to the Duc Decazes.

M. LE MINISTRE,

Paris, April 22, 1875.

I DULY transmitted to Her Majesty's Government a copy of the note which your Excellency addressed to Lord Lyons on the 12th instant, on matters relating to the Submarine Tunnel across the Channel.

I have now the honour, in obedience to instructions which I have received from the Earl of Derby, to convey to your Excellency the satisfaction with which Her Majesty's Government have learnt the agreement of the French Government to their proposal that the Joint Commission should meet in London, as well as the nomination of the Commissioners on the part of the French Government.

I am also to acquaint your Excellency that the British Commissioners are now engaged in a preliminary investigation of the principal matters to be considered in connection with the action of the two Governments relative to the Channel Tunnel, in somewhat the same manner as an inquiry of this nature has already taken place in France. Her Majesty's Government desire that, in view of this investigation, the whole question, including the matters already dealt with in notes between the Foreign Office and the French Embassy in London, and between Her Majesty's Embassy in Paris and the French Government, shall be considered an open one as regards any expression of opinion on their part upon particular points under discussion. They will, I am instructed to state, communicate to the French Government as soon as possible the heads of what appear to them to be the chief matters to be settled; and they think that the labours of the Joint Commission will be much facilitated if the two Governments cause all such matters to be fully considered before

its formal meeting. They will be glad to receive, for early consideration on their part, any matters which the French Government may desire to bring forward, beyond those comprised in the papers already communicated in Comte de Jarnac's note of the 16th of October last, and in those connected with the Bill before the National Assembly.

Your Excellency recognized in your note that certain questions of international law will have to be dealt with and determined ; and, under all the circumstances, Her Majesty's Government trust that the French Government will reconsider their opinion on the subject of the suspension of legislation in France, pending the joint report to be agreed upon by the Anglo-French Commission.

I am to add that it appears to Her Majesty's Government that suspension of legislation in both countries is almost essential in order to avoid all chance of future misunderstanding with the promoters, as well as of embarrassment to the two Governments in dealing with the Channel Tunnel question I have, &c.,
The Duc Decazes. F. O. ADAMS.

No. 43.—The Duc Decazes to M. Gavard.—(Communicated to the Earl of Derby by M. Gavard, May 25.)

MONSIEUR,

Paris, le 24 Mai, 1875.

PAR la lettre que vous m'avez fait l'honneur de m'écrire le 17 du mois dernier vous m'avez informé des études préparatoires auxquelles se livrait la Commission Anglaise chargée de l'examen des questions relatives au Tunnel Sous-marin entre la France et l'Angleterre.

Quelques jours après j'ai reçu du Gouvernement Britannique, par l'entremise de M. Adams, une communication sur le même sujet. En m'annonçant que son Gouvernement devrait nous donner prochainement avis des questions qu'il se proposait de déférer à l'examen de la Commission Mixte Anglo-Française, le Ministre d'Angleterre à Paris exprimait le désir que nous fissions également connaître à l'avance les points sur lesquels nous avions l'intention de faire porter les délibérations ; il insistait, en outre, sur la convenance d'ajourner la discussion du Projet de Loi soumis à l'Assemblée Nationale jusqu'après la clôture des travaux de la Commission Mixte.

M. le Ministre des Travaux Publics, à qui j'avais fait part de cette communication, vient de me répondre qu'en ce qui concerne les points à examiner par la Commission Mixte, son Administration n'a pas, quant à présent, de questions nouvelles à joindre à celles qui ont été signalées dans la correspondance antérieurement échangée sur ce sujet entre les deux Gouvernements. Actuellement, il ne s'agit encore, fait observer M. Caillaux, que d'études et de recherches

préliminaires; ce n'est que lorsqu'elles seront assez avancées pour permettre d'en prévoir exactement les résultats qu'il sera possible de préciser la plupart des questions à régler entre les deux Gouvernements. Jusque là, M. le Ministre des Travaux Publics pense que nous n'avons qu'à laisser au Gouvernement Britannique l'initiative des questions à soumettre à la Commission Internationale instituée sur la proposition même du Cabinet de Londres.

Quant à la demande d'ajournement de la discussion du Projet de Loi déposé à l'Assemblée Nationale, M. le Ministre des Travaux Publics fait remarquer que la compagnie concessionnaire en France déclare à l'avance qu'elle se soumettra, pour l'exploitation, aux conditions qui seront fixées par la Commission Mixte; rien ne paraît donc s'opposer à ce qu'il soit donné suite au projet de loi dont l'Assemblée est saisie, et qui n'a, en définitive, pour objet que de garantir à la compagnie formée par Lord Grosvenor et M. Chevalier la Concession de l'entreprise, dans le cas où les études qu'elle va commencer à ses risques et périls donneraient des résultats favorables.

Je vous prie, Monsieur, de vouloir bien porter ces observations à la connaissance du Gouvernement de Sa Majesté Britannique.

Recevez, &c.,

M. Gavard.

DECAZES.

No. 45.—*Lord Lyons to the Earl of Derby.*—(Received July 22.)
(Extract.) *Paris, July 21, 1875.*

I HAVE already had the honour to inform your Lordship by a telegram *en clair*, despatched at a quarter before 10 o'clock this morning, that the National Assembly resolved yesterday that the Bill for sanctioning the Submarine Tunnel and Railway between France and England should be treated as urgent, and placed on the order of the day immediately after the Budget.

In consequence of this resolution, the Bill will in all probability be definitively passed in a day or two.

I have the honour to transmit herewith to your Lordship the authentic account of the proceedings on the subject in the National Assembly yesterday, as given in the "Journal Officiel" of this morning.

M. Krantz, in moving the declaration of urgency, stated that he did so in concert with the Government and the Committee, and observed that the Bill and the Convention annexed to it had been agreed to unanimously by the Committee.

He affirmed that it was urgent that the Bill should be passed immediately, in order that soundings might be taken in the Channel during the summer season; and he added, that as it had encountered

no opposition, either in the Committee or elsewhere, it would probably be passed in a single sitting.

The Earl of Derby.

LYONS

(*Inclosure.*)—*Extract from the "Journal Officiel" of July 21, 1875.*

No. 46.—*Lord Lyons to the Earl of Derby.*—(Received July 28.)

MY LORD,

Paris, July 27, 1875.

WITH reference to my despatch of the 21st instant, I have the honour to forward your Lordship two copies of the Supplementary Report of the Committee on the Channel Tunnel Bill which was laid on the table of the Assembly on the 20th instant.

I have not time to read them before the departure of the messenger.

I have, &c.,

The Earl of Derby.

LYONS.

(*Inclosure.*)—*Deuxième Rapport fait au nom de la Commission* chargée d'examiner le Projet de Loi ayant pour objet la déclaration d'utilité publique et la Concession d'un Chemin de Fer Sous-marin entre la France et l'Angleterre (urgence déclarée) par M. Krantz, Membre de l'Assemblée Nationale.*

Projet de Loi.

Projet de Convention.

No. 47.—*Lord Lyons to the Earl of Derby.*—(Received July 29.)

MY LORD,

Paris, July 28, 1875.

I HAVE the honour to transmit herewith to your Lordship a copy of the Report of the Committee of the National Assembly on the Channel Tunnel Bill, and two Maps which are annexed to it.

In my despatch of yesterday I inclosed a second or supplementary Report of this same Committee.

In my despatch of the 31st of January last I inclosed copies of the documents laid by the Government before the National Assembly on bringing in the Bill.

I believe that I have thus put your Lordship in possession of a complete set of the French Parliamentary papers relative to this matter.

I will endeavour to obtain, for transmission to your Lordship, additional copies of the inclosures in the present despatch.

I have, &c.,

The Earl of Derby.

LYONS.

* Cette Commission est composée de MM. Martel (Pas-de-Calais), Président ; de Clercq, Secrétaire ; le Marquis de Partz, Marc-Dufraisse, le Comte de Diesbach, le Colonel Denfert-Rochereau, Raudot, Adam (Pas-de-Calais), Henry Lefèvre, le Comte Benoist-d'Azy, Krantz, Ernest Picard, Paul de Rémusat, Rousseau, Paris.

(Inclosure.)—*Rapport au nom de la Commission* chargée d'examiner le Projet de Loi ayant pour objet la déclaration d'utilité publique et la Concession d'un Chemin de Fer Sous-marin entre la France et l'Angleterre, par M. Krantz, Membre de l'Assemblée Nationale*

§ II. *Description du Projet.*

§ III. *Instruction Administrative.*

§ IV. *Discussion du Projet de Loi.*

§ V. *Résumé.*

Projet de Loi.

Projet de Convention.

Cahier des Charges de la Concession du Chemin de Fer Sous-marin entre la France et l'Angleterre.

No. 50.—*Lord Lyons to the Earl of Derby.*—(Received August 4.)

MY LORD,

Paris, August 3, 1875.

WITH reference to my despatches of the 21st, 27th, and 28th ultimo, respectively, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the authentic report of the proceedings in the National Assembly, yesterday, relative to the Channel Tunnel Bill.

Your Lordship will see that the several Articles of the Bill were adopted, and the whole Bill definitely passed, without opposition or debate.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—*Extract from the "Journal Officiel" of August 3, 1875.*

No. 51.—*Lord Lyons to the Earl of Derby.*—(Received August 7.)

MY LORD,

Paris, August 6, 1875.

WITH reference to my despatch of the 3rd instant, I have the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the Proclamation by the President of the Republic of the Law sanctioning the Submarine Railway between France and England.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—See Page 484.

* Cette Commission est composée de MM. Martel (Pas-de-Calais), Président ; de Clercq, Secrétaire ; le Marquis de Partz, Marc-Dufraisse, le Comte de Diesbach, le Colonel Denfert-Rochereau, Raudot, Adam (Pas-de-Calais), Henry Lefèvre, le Comte Benoist-d'Azy, Krantz, Ernest Picard, Paul de Rémusat, Rousseau, Paris.

ACT of the British Parliament, to empower the Channel Tunnel Company (Limited) to acquire certain Lands in the Parish of St. Margaret at Cliffe, in the County of Kent.

[Cap. CXC. Local.]

[Royal Assent, 2nd August, 1875.]

WHEREAS the Channel Tunnel Company, Limited (in this Act called the Company), was incorporated on the 15th day of January, 1872, under "The Companies Act, 1862,"* for the object, as stated in their Memorandum of Association, of constructing an underground Tunnel beneath the Straits of Dover between England and France, with all proper and necessary approaches, accessories, and conveniences, so as to afford the means of complete land communication between the two countries for any purposes to which the same may be applicable, and of acquiring and holding lands in Great Britain and France for the purposes of the undertaking, and with power to raise capital for effecting those objects:

And whereas it is expedient that for the purpose of carrying out preliminary experimental operations in connection with the objects aforesaid the Company should be empowered to purchase and take certain lands, houses, and buildings at the foot of the cliff in St. Margaret's Bay, in the parish of St. Margaret at Cliffe, in the county of Kent, lying between Ness Point and Coney Burrow Point, and including the beach and foreshore abutting on the said lands, and also certain other lands situate on the top of the said cliff, and shown on the amended plans, and described in the amended book of reference hereinafter referred to:

And whereas amended plans showing the lands so proposed to be taken at the foot of, and also the lands proposed to be taken on the top of, the said cliff, and an amended book of reference thereto, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the said lands, have been deposited with the clerk of the peace for the county of Kent at his office at Maidstone, and are hereinafter respectively referred to as the deposited plans and book of reference:

And whereas the objects of this Act cannot be effected without the authority of Parliament:

MAY IT THEREFORE PLEASE YOUR MAJESTY,

That it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Channel Tunnel Company (Limited) Act, 1875."

2. The Lands Clauses Consolidation Acts, 1845, 1860, and

* 25 & 26 Vict., cap. 89.

1869, so far as the same are applicable to and not expressly varied by this Act, are incorporated with and form part of this Act.

3. In this Act the several words and expressions to which meanings are assigned by the Acts incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction; and for the purposes of this Act, the expression "Superior Courts," or "Court of Competent Jurisdiction," in any Act incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

4. Subject to the provisions of this Act, the Company, for the purpose of carrying out preliminary experimental operations in connection with their undertaking, may enter upon, purchase, and take all or any of the lands delineated on the deposited plans and described in the deposited book of reference, and may use and apply the same to or for such purpose. Provided always, that the Company shall not commence any such preliminary operations in or upon the said lands without the previous consent in writing of the Board of Trade, and such operations shall thereupon be carried on only to the extent authorized by the Board of Trade, and subject to and in accordance with such conditions and restrictions as the Board of Trade may prescribe.

5. The Company shall accept any conditions which Her Majesty by Order in Council may (in pursuance of any arrangements made or to be made between the Governments of this country and of France) hereafter impose in connection with the undertaking of the Company, and the passing of this Act shall not be deemed to give to the Company any right or claim other than the title to the lands shown on the deposited plans which they would not have had if this Act had not been passed.

6. The following provisions shall have effect for the protection of the Submarine Telegraph Company between Great Britain and the Continent of Europe (hereinafter called "the Telegraph Company"), that is to say:—

(1.) The Company shall not exercise any of the powers of this Act with reference to any land, building, or property of the Telegraph Company, without the consent in writing of that Company first had and obtained for that purpose:

(2.) If, under the powers of this Act, the Company purchase or acquire, or enter upon, or use, any part of the land or foreshore lying between the telegraph house or hut belonging to the Telegraph Company, situated at the easternmost corner of the "Green Man" public-house, Saint Margaret's Bay, and the sea, the Company shall at all times, and from time to time, permit the Telegraph Company

and their officers and servants freely to enter into and upon such land and foreshore for the purpose of laying down, testing, examining, maintaining, relaying, repairing, renewing, or removing, one or more telegraph cable or cables between the said telegraph house or hut and the sea, and the Telegraph Company may lay down and maintain, and from time to time relay, renew, or remove one or more cable or cables accordingly; and any works or buildings to be constructed or placed upon the said land or foreshore by the Company shall be constructed and placed so as not to prevent or interfere with the exercise by the Telegraph Company of their rights and powers under this section.

7. The powers of the Company for the compulsory purchase of the said lands shall not be exercised after the expiration of one year from the passing of this Act.

8. Nothing contained in this Act shall authorize the Company to take, use, or in any manner interfere with any stone or any metallic or other mineral substances belonging to the Queen's Most Excellent Majesty in right of her Crown, without the previous consent in writing of the Commissioners for the time being of Her Majesty's Woods, Forests, and Land Revenues, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorized to give); and as incidental to any such consent as aforesaid, the Company may enter into any agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the approval of the Commissioners of Her Majesty's Treasury, join in every such agreement; and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with the like approval, and the Company, may respectively execute all necessary conveyances, leases, licences, or other deeds, of or relating to any land, hereditaments, or rights belonging to Her Majesty in right of her Crown, and under the management of the same Commissioners; and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Company respectively. And nothing in this Act contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority, now or from time to time vested in or enjoyed, or exercisable, by the Queen's Majesty, her heirs or successors.

9. Nothing contained in this Act shall authorize the Company to take, use, tunnel under, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's Most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the previous consent in writing of the Board of Trade, on behalf of Her Majesty (which

consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exercisable by the Queen's Majesty, her heirs or successors.

10. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act shall be paid by the Company.

FRENCH LAW sanctioning a Submarine Railway and Channel Tunnel between England and France.—Paris, August 2, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :

ART. I. Est déclaré d'utilité publique l'établissement d'un chemin de fer partant d'un point à déterminer sur la ligne de Boulogne à Calais, pénétrant sous la mer, et se dirigeant vers l'Angleterre, à la rencontre d'un pareil chemin parti de la côte Anglaise, dans la direction du littoral Français.

II. Est approuvée la Convention passée le 2 Août, 1875,* entre le Ministre des Travaux Publics et MM. Michel Chevalier, Membre de l'Institut, Fernand-Raoul Duval, Alexandre Lavalley, Président et membres d'une société constituée à la date du 1^{er} Février, 1875, suivant acte enregistré le 9 du même mois, et agissant au nom de la dite société, pour la concession sans subvention ni garantie d'intérêt du chemin de fer énoncé à l'Article I ci-dessus.

III. Aucune émission d'obligations ne pourra avoir lieu qu'en vertu d'une autorisation donnée, après avis du Ministre des Finances, par le Ministre des Travaux Publics.

En aucun cas il ne pourra être émis d'obligations pour une somme supérieure à la moitié du capital total à réaliser par la Compagnie.

Aucune émission d'obligations ne pourra, d'ailleurs, être autorisée avant que la moitié au moins du capital-actions ait été versée et employée en achats de terrains, en travaux, ou en approvisionnements sur place.

IV. La dite Convention et le Cahier des Charges annexé à la présente Loi ne seront passibles que du droit fixe de 3 francs.

Délibéré en séance publique, à Versailles, le 2 Août, 1875.

DU C D'AUDIFFRET-PASQUIER, *Président.*

FÉLIX VOISIN, ETIENNE LAMY, *Secrétaires.*

Le Président de la République promulgue la présente Loi.†

MAL. DE MACMAHON, DUC DE MAGENTA.

E. CAILLAUX, *Ministre des Travaux Publics.*

* Page 485.

† Promulguée au Journal Officiel du 6 Août, 1875.

FRENCH CONCESSION to Messrs. Chevalier, Duval, and Lavalley, for the Construction of a Channel Tunnel and Railway between England and France.--Versailles, August 2, 1875.

CONVENTION.

L'AN 1875 et le Août 2, entre le Ministre des Travaux Publics, agissant au nom de l'État, et sous la réserve de l'approbation des présentes par une loi, d'une part ;

Et MM. Michel Chevalier, Membre de l'Institut, Fernand-Raoul Duval, Alexandre Lavalley, président et membres d'une société constituée à la date du 1^{er} Février, 1875, suivant acte enregistré le 9 du même mois, et agissant au nom de la dite société, d'autre part ;

Il a été dit et convenu ce qui suit :—

ART. I. Le Ministre des Travaux Publics, au nom de l'État, concède à MM. Michel Chevalier, Fernand-Raoul Duval, Alexandre Lavalley, président et membres d'une société constituée à la date du 1^{er} Février, 1875, suivant acte enregistré le 9 du même mois, et agissant au nom de la dite société, sans subvention ni garantie d'intérêt de la part de l'État, un chemin de fer partant d'un point à déterminer sur la ligne de Boulogne à Calais, pénétrant sous la mer et se dirigeant vers l'Angleterre, à la rencontre d'un pareil chemin parti de la côte Anglaise dans la direction du littoral Français.

II. De leur côté, MM. Michel Chevalier, Fernand-Raoul Duval et Lavalley, ès noms, s'engagent à exécuter, suivant un programme qui sera arrêté par le Ministre des Travaux Publics, la société concessionnaire entendue, et jusqu'à concurrence de 2,000,000 au moins, les travaux préparatoires de toutes sortes, tels que recherches, puits, galeries, sondages, &c., qui seront jugés nécessaires pour fixer tant l'administration que la société concessionnaire sur les conditions techniques de l'opération, la possibilité de l'entreprendre avec des chances sérieuses de succès, et les moyens à mettre en œuvre pour en surmonter les difficultés.

Les concessionnaires s'engagent, en outre, à se mettre en rapport avec une société Anglaise munie des pouvoirs nécessaires pour entreprendre le chemin de fer sous-marin partant du littoral Anglais et dirigé vers la France, et à conclure une entente avec la dite société, dans le but d'exécuter et d'exploiter d'un commun accord l'ensemble du chemin de fer international.

III. Si, dans un délai de 5 ans, à dater de la loi approbative de la présente Convention, les concessionnaires n'avaient pu conclure l'accord prévu au dernier paragraphe de l'Article qui précède, ou si, par suite du résultat des sondages et autres travaux préparatoires

énoncés au paragraphe 1^{er} du même Article, ils reconnaissent l'impossibilité de donner suite à l'entreprise, ils auraient le droit de renoncer à la concession stipulée dans l'Article I ci-dessus.

Les concessionnaires sont tenus de déclarer, avant l'expiration du délai de 5 ans ci-dessus fixé, s'ils entendent conserver la concession. Toutefois, ce délai de 5 ans pourra, sur la proposition des concessionnaires, être prorogé de 3 ans et porté, en totalité, à 8 ans par le Gouvernement, si la nécessité en est reconnue par lui.

Faute par eux d'avoir fait cette déclaration dans le dit délai, comme aussi dans le cas où ils déclareraient renoncer à l'entreprise, la concession sera considérée comme nulle et non avenue, et il sera procédé conformément aux dispositions de l'Article XXXIX du Cahier des Charges.

IV. Dans le cas où la concession serait maintenue, conformément à l'Article précédent, les concessionnaires s'engagent à entreprendre les travaux définitifs dans le délai d'un an, à dater de la déclaration faite par eux, et à les terminer dans un délai de 20 ans, à partir de la même date.

Ils s'engagent, en outre, à se soumettre à toutes les clauses et conditions du Cahier des Charges annexé à la présente Convention.

V. La durée de la concession sera de 99 ans, à partir de la mise en exploitation du chemin de fer sous-marin.

Le Ministre des Travaux Publics, au nom de l'État, s'engage à ne concéder, pendant 30 ans, comptés à partir de la même époque, aucun autre chemin de fer partant du littoral Français et pénétrant sous la mer, dans la direction de l'Angleterre.

VI. Les concessionnaires pourront, à toute époque de l'exécution des travaux définitifs, renoncer au bénéfice de la concession, dans le cas où l'impossibilité de continuer les dits travaux serait dûment constatée.

Dans ce cas la déchéance sera prononcée, et il sera procédé conformément aux dispositions de l'Article XXXIX du Cahier des Charges.

VII. Le Gouvernement se réserve le droit de suspendre, en cas de guerre imminente, l'exploitation du chemin de fer sous-marin.

Les concessionnaires n'auront droit, dans ce cas, à aucune indemnité. Toutefois, la durée de la concession et le délai durant lequel le Ministre des Travaux Publics s'engage à ne concéder aucun chemin de fer concurrent, tels qu'ils sont fixés par l'Article V ci-dessus, seront prorogés d'un temps égal à la durée de la suspension de l'exploitation.

VIII. Les concessionnaires se soumettront aux règles qui résulteront de la Convention Internationale à intervenir entre les

Gouvernements Français et Anglais, en ce qui concerne la juridiction, la police et l'exploitation.

E. CAILLAUX, *Ministre des Travaux Publics.*

Approuvé l'écriture :—MICHEL CHEVALIER.

FERNAND-RAOUL DUVAL.

ALEXANDRE LAVALLEY.

CAHIER DES CHARGES.

TITRE I.—*Tracé et Construction.*

ART. I. Le chemin de fer qui forme l'objet de la présente concession se détachera de la ligne de Boulogne à Calais, en un point à déterminer par l'Administration, sur la proposition de la compagnie, pénétrera sous la mer, et se dirigera vers l'Angleterre, à la rencontre d'un pareil chemin parti de la côte Anglaise dans la direction du littoral Français.

II. Les travaux définitifs devront être commencés dans un délai d'un an et terminés dans un délai de 20 ans, à partir de la date de la déclaration faite par la compagnie, conformément à l'Article III de la Convention à laquelle est joint le présent Cahier des Charges.

III. Aucun travail ne pourra être entrepris, pour l'établissement du chemin de fer et de ses dépendances, qu'avec l'autorisation de l'Administration supérieure. À cet effet, les projets de tous les travaux à exécuter seront dressés en double expédition et soumis à l'approbation du Ministre, qui prescrira, s'il y a lieu, d'y introduire telles modifications que de droit. L'une de ces expéditions sera remise à la compagnie avec le visa du Ministre ; l'autre demeurera entre les mains de l'Administration.

Avant comme pendant l'exécution, la compagnie aura la faculté de proposer aux projets approuvés les modifications qu'elle jugerait utiles ; mais ces modifications ne pourront être exécutées que moyennant l'approbation de l'Administration supérieure.

IV. Le tracé et le profil du chemin de fer seront arrêtés sur la production de projets d'ensemble comprenant, pour la ligne entière :

1. Un plan général à l'échelle de un dix-millième ;

2. Un profil en long à l'échelle de un dix-millième pour les longueurs et de un millième pour les hauteurs, dont les côtes seront rapportées à un plan supposé à 200 mètres au-dessous du niveau moyen de la mer, et qui sera pris pour plan de comparaison. Au-dessous de ce profil on indiquera, au moyen de 3 lignes horizontales disposées à cet effet, savoir :

Les distances kilométriques du chemin de fer, comptées à partir de son origine ;

La longueur et l'inclinaison de chaque pente ou rampe ;

La longueur des parties droites et le développement des parties

courbes du tracé, en faisant connaître le rayon correspondant à chacune de ces dernières ;

3. Un certain nombre de profils en travers, y compris le profil type de la voie ;

4. Un mémoire dans lequel seront justifiées toutes les dispositions essentielles du projet et un devis descriptif dans lequel seront reproduites, sous forme de tableaux, les indications relatives aux déclivités et aux courbes déjà données sur le profil en long.

La position de la gare, celle des cours d'eau et des voies de communication traversés par le chemin de fer, des passages, soit à niveau, soit en dessus, soit en dessous de la voie ferrée, devront être indiquées tant sur le plan que sur le profil en long ; le tout sans préjudice des projets à fournir pour chacun de ces ouvrages.

V. Les terrains seront acquis, les ouvrages d'art et les terrassements seront exécutés, et les rails seront posés pour deux voies.

VI. La largeur de la voie entre les bords intérieurs des rails devra être de 1 mètre 44 (1.44 m.) à 1 mètre 45 centimètres (1.45 m.). La largeur de l'entre-voie, mesurée entre les bords extérieurs des rails, sera de 2 mètres (2.00 m.).

La largeur des accotements, c'est-à-dire, des parties comprises de chaque côté entre le bord extérieur du rail et l'arête supérieure du ballast, sera de 1 mètre (1.00 m.) au moins.

On ménagera au pied de chaque talus du ballast un banquettes de 50 centimètres (0.50 m.) de largeur.

La compagnie établira, soit le long du chemin de fer, soit en dessous des voies, les fossés, rigoles ou galeries qui seront jugées nécessaires pour l'assèchement de la voie et pour l'écoulement des eaux.

Les dimensions de ces fossés, rigoles et galeries seront déterminées par l'Administration, suivant les circonstances locales, sur les propositions de la compagnie.

VII. Les alignements seront raccordés entre eux par des courbes dont le rayon ne pourra être inférieur à 500 mètres. Une partie droite de 100 mètres au moins de longueur devra être ménagée entre deux courbes consécutives, lorsqu'elles seront dirigées en sens contraire.

Le maximum de l'inclinaison des pentes et rampes est fixé à 20 millimètres par mètre.

Une partie horizontale de 100 mètres au moins devra être ménagée entre deux fortes déclivités consécutives, lorsque ces déclivités se succéderont en sens contraire, et de manière à verser leurs eaux au même point.

Les déclivités correspondant aux courbes de faible rayon devront être réduites autant que faire se pourra.

La compagnie aura la faculté de proposer aux dispositions de cet

Article et à celles de l'Article précédent les modifications qui lui paraîtraient utiles ; mais ces modifications ne pourront être exécutées que moyennant l'approbation préalable de l'Administration supérieure.

VIII. La gare principale où commencera le service spécial du Tunnel Sous-marin sera établie dans l'emplacement que l'Administration déterminera, la compagnie entendue.

L'Administration déterminera, de la même manière, l'emplacement des autres gares qui pourraient être reconnues nécessaires.

Le nombre des voies sera augmenté, s'il y a lieu, dans la gare et à ses abords, conformément aux décisions qui seront prises par l'Administration, la compagnie entendue.

La compagnie sera tenue, préalablement à tout commencement d'exécution, de soumettre à l'Administration le projet de la dite gare, lequel se composera :

1. D'un plan à l'échelle de un millième, indiquant les voies, les quais, les bâtiments et leur distribution intérieure, ainsi que la disposition de leurs abords ;

2. D'une élévation des bâtiments à l'échelle de un centimètre par mètre ;

3. D'un mémoire descriptif dans lequel les dispositions essentielles du projet seront justifiées.

IX. À moins d'obstacles locaux, dont l'appréciation appartiendra à l'Administration, le chemin de fer, à la rencontre des routes nationales et départementales, devra passer soit au-dessus soit au-dessous de ces routes.

Les croisements de niveau seront tolérés pour les chemins vicinaux, ruraux ou particuliers.

X. Lorsque le chemin de fer devra passer au-dessus d'une route nationale ou départementale, ou d'un chemin vicinal, l'ouverture du viaduc sera fixée par l'Administration, en tenant compte des circonstances locales ; mais cette ouverture ne pourra, dans aucun cas, être inférieure à 8 mètres (8.00 m.) pour la route nationale, à 7 mètres (7.00 m.) pour la route départementale, à 5 mètres (5.00 m.) pour un chemin vicinal de grande communication, et à 4 mètres (4.00 m.) pour un simple chemin vicinal.

Pour les viaducs de forme cintrée, la hauteur sous clef, à partir du sol de la route, sera de 5 mètres (5.00 m.) au moins. Pour ceux qui seront formés de poutres horizontales en bois ou en fer, la hauteur sous poutre sera de 4 mètres 30 centimètres (4.30 m.) au moins.

La largeur entre les parapets sera au moins de 8 mètres (8.00 m.) La hauteur de ces parapets sera fixée par l'Administration et ne pourra, dans aucun cas, être inférieure à 80 centimètres (0.80 m.).

XI. Lorsque le chemin de fer devra passer au-dessous d'une route

nationale ou départementale, ou d'un chemin vicinal, la largeur entre les parapets du pont qui supportera la route ou le chemin sera fixée par l'Administration, en tenant compte des circonstances locales ; mais cette largeur ne pourra, dans aucun cas, être inférieure à 8 mètres (8.00 m.) pour la route nationale, à 7 mètres (7.00 m.) pour la route départementale, à 5 mètres (5.00 m.) pour un chemin vicinal de grande communication, et à 4 mètres (4.00 m.) pour un simple chemin vicinal.

L'ouverture du pont entre les culées sera au moins de 8 mètres (8.00 m.) et la distance verticale ménagée au-dessus des rails extérieurs de chaque voie pour le passage des trains ne sera pas inférieure à 4 mètres 80 centimètres (4.80 m.) au moins.

XII. Dans le cas où des routes nationales ou départementales, ou des chemins vicinaux, ruraux ou particuliers, seraient traversés à leur niveau par le chemin de fer, les rails devront être posés sans aucune saillie ni dépression sur la surface de ces routes, et de telle sorte qu'il n'en résulte aucune gêne pour la circulation des voitures.

Le croisement à niveau du chemin de fer et des routes ne pourra s'effectuer sous un angle moindre de 45 degrés.

Chaque passage à niveau sera muni de barrières ; il y sera, en outre, établi une maison de garde toutes les fois que l'utilité en sera reconnue par l'Administration.

La compagnie devra soumettre à l'approbation de l'Administration les projets types de ces barrières.

XIII. Lorsqu'il y aura lieu de modifier l'emplacement ou le profil des routes existantes, l'inclinaison des pentes et rampes sur les routes modifiées ne pourra excéder 3 centimètres (0.03 m.) par mètre pour les routes nationales ou départementales, et 5 centimètres (0.05 m.) pour les chemins vicinaux. L'Administration restera libre, toutefois, d'apprécier les circonstances qui pourraient motiver une dérogation à cette clause, comme à celle qui est relative à l'angle de croisement des passages à niveau.

XIV. La compagnie sera tenue de rétablir et d'assurer à ses frais l'écoulement de toutes les eaux dont le cours serait arrêté, suspendu ou modifié par ses travaux, et de prendre les mesures nécessaires pour prévenir l'insalubrité pouvant résulter des chambres d'emprunt.

Les viaducs à construire à la rencontre des rivières, des canaux et des cours d'eau quelconques auront au moins 8 mètres (8.00 m.) de largeur entre les parapets. La hauteur de ces parapets sera fixée par l'Administration, et ne pourra être inférieure à 80 centimètres (0.80 m.).

La hauteur et le débouché du viaduc seront déterminés, dans chaque cas particulier, par l'Administration, suivant les circonstances locales.

XV. Les souterrains à établir pour le passage du chemin de fer auront au moins 8 mètres (8.00 m.) de largeur entre les pieds-droits au niveau des rails, et 6 mètres (6.00 m.) de hauteur sous clef au-dessus de la surface des rails. La distance verticale entre l'intrados et le dessus des rails extérieurs de chaque voie ne sera pas inférieure à 4 mètres 80 centimètres (4.80 m.).

XVI. Dans le cas où il serait reconnu utile de faire passer les deux voies sous deux galeries distinctes, la largeur de chaque galerie entre les pieds-droits, au niveau des rails, aura au moins 4 mètres 50 centimètres (4.50 m.), et la hauteur sous clef au-dessus de la surface des rails aura au moins 5 mètres 20 centimètres (5.20 m.).

La distance verticale entre l'intrados et le dessus de chaque rail ne sera pas inférieure à 4 mètres 80 centimètres (4.80 m.).

XVII. À la rencontre des cours d'eau flottables ou navigables, la compagnie sera tenue de prendre toutes les mesures et de payer tous les frais nécessaires pour que le service de la navigation ou du flottage n'éprouve ni interruption ni entrave pendant l'exécution des travaux.

À la rencontre des routes nationales ou départementales et des autres chemins publics, il sera construit des chemins et ponts provisoires, par les soins et aux frais de la compagnie, partout où cela sera jugé nécessaire pour que la circulation n'éprouve ni interruption ni gêne.

Avant que les communications existantes puissent être interceptées, une reconnaissance sera faite par les ingénieurs de la localité, à l'effet de constater si les ouvrages provisoires présentent une solidité suffisante et s'ils peuvent assurer le service de la circulation.

Un délai sera fixé par l'Administration pour l'exécution des travaux définitifs destinés à rétablir les communications interceptées.

XVIII. La compagnie n'emploiera, dans l'exécution des ouvrages, que des matériaux de bonne qualité; elle sera tenue de se conformer à toutes les règles de l'art, de manière à obtenir une construction parfaitement solide.

Tous les aqueducs, ponceaux, ponts et viaducs à construire à la rencontre des divers cours d'eau et des chemins publics ou particuliers seront en maçonnerie ou en fer, sauf les cas d'exception qui pourront être admis par l'Administration.

XIX. Les voies seront établies d'une manière solide et avec des matériaux de bonne qualité.

Le poids des rails sera au moins de 35 kilogrammes par mètre courant si ces rails sont en fer, et de 30 kilogrammes s'ils sont en acier.

XX. Le chemin de fer sera, dans les parties à ciel ouvert, séparé des propriétés riveraines par des murs, haies ou toute autre clôture

dont le mode et la disposition seront autorisés par l'Administration, sur la proposition de la compagnie.

XXI. Tous les terrains nécessaires pour l'établissement du chemin de fer et de ses dépendances, pour la déviation des voies de communication et des cours d'eau déplacés, et, en général, pour l'exécution des travaux, quels qu'ils soient, auxquels cet établissement pourra donner lieu, seront achetés et payés par la compagnie concessionnaire.

Les indemnités pour occupation temporaire ou pour détérioration de terrains, pour chômage, modification ou destruction d'usines, et pour tous dommages quelconques résultant des travaux, seront supportées et payées par la compagnie.

XXII. L'entreprise étant d'utilité publique, la compagnie est investie, pour l'exécution des travaux dépendant de sa concession, de tous les droits que les lois et règlements confèrent à l'Administration en matière de travaux publics, soit pour l'acquisition des terrains par voie d'expropriation, soit pour l'extraction, le transport et le dépôt des terres, matériaux, &c., et elle demeure en même temps soumise à toutes les obligations qui dérivent, pour l'Administration, de ces lois et règlements.

XXIII. Dans les limites de la zone frontière et dans le rayon de servitude des enceintes fortifiées, la compagnie sera tenue, pour l'étude et l'exécution de ses projets, de se soumettre à l'accomplissement de toutes les formalités et de toutes les conditions exigées par les lois, décrets et règlements concernant les travaux mixtes.

XXIV. Si la ligne du chemin de fer traverse un sol déjà concédé pour l'exploitation d'une mine, l'Administration déterminera les mesures à prendre pour que l'établissement du chemin de fer ne nuise pas à l'exploitation de la mine, et réciproquement pour que, le cas échéant, l'exploitation de la mine ne compromette pas l'existence du chemin de fer.

Les travaux de consolidation à faire dans l'intérieur de la mine, à raison de la traversée du chemin de fer, et tous les dommages résultant de cette traversée pour les concessionnaires de la mine, seront à la charge de la compagnie.

XXV. Si le chemin de fer doit s'étendre sur des terrains renfermant des carrières ou les traverser souterrainement, il ne pourra être livré à la circulation avant que les excavations qui pourraient en compromettre la solidité aient été remblayées ou consolidées. L'Administration déterminera la nature et l'étendue des travaux qu'il conviendra d'entreprendre à cet effet, et qui seront d'ailleurs exécutés par les soins et aux frais de la compagnie.

XXVI. Pour l'exécution des travaux, la compagnie se soumettra aux décisions Ministérielles concernant l'interdiction du travail les Dimanches et jours fériés.

XXVII. Les travaux seront exécutés sous le contrôle et la surveillance de l'Administration.

Le contrôle et la surveillance de l'Administration auront pour objet d'empêcher la compagnie de s'écarter des dispositions prescrites par le présent Cahier des Charges et de celles qui résulteront des projets approuvés.

XXVIII. Quand les travaux seront terminés et le chemin de fer susceptible d'être livré utilement à la circulation, il sera procédé, sur la demande de la compagnie, à la reconnaissance et, s'il y a lieu, à la réception des travaux par un ou plusieurs commissaires que l'Administration désignera.

Sur le vu du procès-verbal de cette reconnaissance, l'Administration autorisera, s'il y a lieu, la mise en exploitation du chemin de fer ; après cette autorisation, la compagnie pourra mettre la ligne en service et y percevoir les taxes ci-après déterminées.

XXIX. Après l'achèvement total des travaux et dans le délai qui sera fixé par l'Administration, la compagnie fera faire à ses frais un bornage contradictoire et un plan cadastral du chemin de fer et de ses dépendances. Elle fera dresser également à ses frais, et contradictoirement avec l'Administration, un état descriptif de tous les ouvrages d'art qui auront été exécutés, le dit état accompagné d'un atlas contenant les dessins cotés de tous les dits ouvrages.

Une expédition dûment certifiée des procès-verbaux de bornage, du plan cadastral, de l'état descriptif et de l'atlas sera dressée aux frais de la compagnie et déposée dans les archives du Ministère.

Les terrains acquis par la compagnie postérieurement au bornage général en vue de satisfaire aux besoins de l'exploitation, et qui, par cela même, deviendront partie intégrante du chemin de fer, donneront lieu, au fur et à mesure de leur acquisition, à des bornages supplémentaires et seront ajoutés sur le plan cadastral ; addition sera également faite sur l'atlas de tous les ouvrages d'art exécutés postérieurement à sa rédaction.

TITRE II.—*Entretien et Exploitation.*

XXX. Le chemin de fer et toutes ses dépendances seront constamment entretenus en bon état, de manière que la circulation y soit toujours facile et sûre.

Les frais d'entretien et ceux auxquels donneront lieu les réparations ordinaires et extraordinaires seront entièrement à la charge de la compagnie.

Si le chemin de fer, une fois achevé, n'est pas constamment entretenu en bon état, il y sera pourvu d'office à la diligence de l'Administration et aux frais de la compagnie, sans préjudice, s'il y a lieu, de l'application des dispositions indiquées ci-après dans l'Article XL.

• Le montant des avances faites sera recouvré au moyen de rôles que le préfet rendra exécutoires.

XXXI. La compagnie sera tenue d'établir à ses frais, partout où besoin sera, des gardiens en nombre suffisant pour assurer la sécurité du passage des trains sur la voie et celle de la circulation ordinaire sur les points où le chemin de fer sera traversé à niveau par des routes ou chemins.

XXXII. Les machines locomotives seront construites sur les meilleurs modèles ; elles devront consumer leur fumée et satisfaire d'ailleurs à toutes les conditions prescrites ou à prescrire par l'Administration pour la mise en service de ce genre de machines.

Les voitures de voyageurs devront également être faites d'après les meilleurs modèles et satisfaire à toutes les conditions réglées ou à régler pour les voitures servant au transport des voyageurs sur les chemins de fer. Elles seront suspendues sur ressorts et garnies de banquettes.

Il y en aura de 3 classes au moins :

1. Les voitures de 1^{ère} classe seront couvertes, garnies, fermées à glaces, munies de rideaux ;

2. Celles de 2^{ème} classe seront couvertes, fermées à glaces, munies de rideaux, et auront des banquettes rembourrées ;

3. Celles de 3^{ème} classe seront couvertes, fermées à vitres, munies soit de rideaux, soit de persiennes, et auront des banquettes à dossier. Les dossiers et les banquettes devront être inclinés, et les dossiers seront élevés à la hauteur de la tête des voyageurs.

L'intérieur de chacun des compartiments de toute classe contiendra l'indication du nombre des places de ce compartiment.

L'Administration pourra exiger qu'un compartiment de chaque classe soit réservé, dans les trains de voyageurs, aux femmes voyageant seules.

Les voitures de voyageurs, les wagons destinés au transport des marchandises, des chaises de poste, des chevaux ou des bestiaux, les plates-formes, et, en général, toutes les parties du matériel roulant, seront de bonne et solide construction.

La compagnie sera tenue, pour la mise en service de ce matériel, de se soumettre à tous les règlements sur la matière.

Les machines locomotives, tenders, voitures, wagons de toute espèce, plates-formes, composant le matériel roulant, seront constamment entretenus en bon état.

XXXIII. Des règlements d'administration publique, rendus après que la compagnie aura été entendue, détermineront les mesures et les dispositions nécessaires pour assurer la police et l'exploitation du chemin de fer, ainsi que la conservation des ouvrages qui en dépendent.

Toutes les dépenses qu'entraînera l'exécution des mesures pre-

scrites en vertu de ces règlements seront à la charge de la compagnie.

La compagnie sera tenue de soumettre à l'approbation de l'Administration les règlements relatifs au service et à l'exploitation du chemin de fer.

Le Ministre déterminera, sur la proposition de la compagnie, le minimum et le maximum de vitesse des convois de voyageurs et de marchandises, et des convois spéciaux des postes, ainsi que la durée du trajet.

XXXIV. Pour tout ce qui concerne l'entretien et les réparations du chemin de fer et de ses dépendances, l'entretien du matériel et le service de l'exploitation, la compagnie sera soumise au contrôle et à la surveillance de l'Administration.

Outre la surveillance ordinaire, l'Administration déléguera, aussi souvent qu'elle le jugera utile, un ou plusieurs commissaires pour reconnaître et constater l'état du chemin de fer, de ses dépendances et du matériel.

TITRE III.—*Durée, Rachat et Déchéance de la Concession.*

XXXV. La durée de la concession pour le chemin de fer sous-marin mentionné à l'Article I du présent Cahier des Charges sera de 99 ans. Elle commencera à courir à partir de la date fixée pour l'achèvement des travaux par l'Article II ci-dessus.

XXXVI. À l'époque fixée pour l'expiration de la concession, et par le seul fait de cette expiration, le Gouvernement sera subrogé à tous les droits de la compagnie sur le chemin de fer et ses dépendances, et il entrera immédiatement en jouissance de tous ses produits.

La compagnie sera tenue de lui remettre en bon état d'entretien le chemin de fer et tous immeubles qui en dépendent, quelle qu'en soit l'origine, tels que les bâtiments de la gare, les remises, ateliers et dépôts, les maisons de gardes, &c.; il en sera de même de tous les objets immobiliers dépendant également du dit chemin, tels que les barrières et clôtures, les voies, changements de voies, plaques tournantes, réservoirs d'eau, grues hydrauliques, machines fixes, &c.

Dans les 5 dernières années qui précéderont le terme de la concession, le Gouvernement aura le droit de saisir les revenus du chemin de fer et de les employer à rétablir en bon état le chemin de fer et ses dépendances, si la compagnie ne se mettait pas en mesure de satisfaire pleinement et entièrement à cette obligation.

En ce qui concerne les objets mobiliers, tels que le matériel roulant, les matériaux, combustibles et approvisionnements de tous genres, le mobilier et l'outillage des ateliers et de la gare, l'État sera tenu, si la compagnie le requiert, de reprendre tous ces objets

sur l'estimation qui en sera faite à dire d'experts, et réciproquement, si l'État le requiert, la compagnie sera tenue de les céder de la même manière.

Toutefois, l'État ne pourra être tenu de reprendre que les approvisionnements nécessaires à l'exploitation du chemin pendant 6 mois.

XXXVII. À toute époque après l'expiration des 15 premières années de la concession, le Gouvernement aura la faculté de racheter la concession entière du chemin de fer.

Pour régler le prix du rachat, on relèvera les produits nets annuels obtenus par la compagnie pendant les 7 années qui auront précédé celle où le rachat sera effectué ; on en déduira les produits nets des deux plus faibles années, et l'on établira le produit net moyen des 5 autres années.

Ce produit net moyen formera le montant d'une annuité qui sera due et payée à la compagnie pendant chacune des années restant à courir sur la durée de la concession.

Dans aucun cas le montant de l'annuité ne sera inférieur au produit net de la dernière des 7 années prises pour terme de comparaison.

La compagnie recevra, en outre, dans les 3 mois qui suivront le rachat, les remboursements auxquels elle aurait droit à l'expiration de la concession, selon l'Article XXXVI ci-dessus.

XXXVIII. Si la compagnie n'a pas commencé les travaux dans le délai fixé par l'Article II, elle sera déchue de plein droit, sans qu'il y ait lieu à aucune notification ou mise en demeure préalable.

Dans ce cas il sera fait application à la compagnie de l'Article XXXIX ci-dessous.

XXXIX. Faute par la compagnie d'avoir terminé les travaux dans le délai fixé par l'Article II, faute aussi par elle d'avoir rempli les diverses obligations qui lui sont imposées par le présent Cahier des Charges, elle encourra la déchéance, et il sera pourvu tant à la continuation et à l'achèvement des travaux qu'à l'exécution des autres engagements contractés par la compagnie, au moyen d'une adjudication que l'on ouvrira sur une mise à prix des ouvrages exécutés, des matériaux approvisionnés.

Les soumissions pourront être inférieures à la mise à prix.

La nouvelle compagnie sera soumise aux clauses du présent Cahier des Charges, et la compagnie évincée recevra d'elle le prix que la nouvelle adjudication aura fixé.

Si l'adjudication ouverte n'amène aucun résultat, une seconde adjudication sera tentée sur les mêmes bases, après un délai de 3 mois ; si cette seconde tentative reste également sans résultat, la compagnie sera définitivement déchue de tous droits, et alors les

ouvrages exécutés, les matériaux approvisionnés, appartiendront à l'État.

XL. Si l'exploitation du chemin de fer vient à être interrompue, l'Administration prendra immédiatement, aux frais et risques de la compagnie, les mesures nécessaires pour assurer provisoirement le service.

Si, dans les 3 mois de l'organisation du service provisoire, la compagnie n'a pas valablement justifié qu'elle est en état de reprendre et de continuer l'exploitation, et si elle ne l'a pas effectivement reprise, la déchéance pourra être prononcée par le Ministre. Cette déchéance prononcée, le chemin de fer et toutes ses dépendances seront mis en adjudication, et il sera procédé ainsi qu'il est dit à l'Article précédent.

XLI. Les dispositions des 3 Articles qui précèdent cesseraient d'être applicables, et la déchéance ne serait pas encourue, dans le cas où le concessionnaire n'aurait pu remplir ses obligations par suite de circonstances de force majeure dûment constatées.

TITRE IV.—*Taxes et Conditions relatives au Transport des Voyageurs et des Marchandises.*

XLII. Pour indemniser la compagnie des travaux et dépenses qu'elle s'engage à faire par le présent Cahier des Charges, et sous la condition expresse qu'elle en remplira exactement toutes les obligations, le Gouvernement lui accorde l'autorisation de percevoir, pendant toute la durée de la concession, les prix de transport ci-après déterminés :—

TARIF.

1. *Par Tête et par Kilomètre.*

| | Prix de transport. |
|---|--------------------|
| | Fr. c. |
| Voyageurs— | |
| Voitures couvertes, garnies et fermées à glaces (1 ^{re} classe) .. | 0 50 |
| „ „ fermées à glaces, et à banquettes rembourrées (2 ^e classe) | 0 375 |
| Voitures couvertes et fermées à vitres (3 ^e classe) | 0 275 |

Enfants—

Au-dessous de 3 ans les enfants ne payent rien, à la condition d'être portés sur les genoux des personnes qui les accompagnent.

De 3 à 7 ans ils payent demi-place et ont droit à une place distincte ; toutefois, dans un même compartiment, deux enfants ne pourront occuper que la place d'un voyageur.

Au-dessus de 7 ans, ils payent place entière.

| | |
|---|-------|
| Chiens transportés dans les trains de voyageurs | 0 075 |
|---|-------|

Petite vitesse.

| | |
|--|------|
| Bœufs, vaches, taureaux, chevaux, mulets, bêtes de trait | 0 50 |
| Veaux et porcs | 0 20 |

Prix de
transport.
Fr. c.
0 10

Moutons, brebis, agneaux, chèvres
Lorsque les animaux ci-dessus dénommés seront, sur la demande des expéditeurs, transportés à la vitesse des trains de voyageurs, les prix seront doublés.

2. Par Tonne et par Kilomètre.

Marchandises transportées à grande vitesse.

Huitres, poissons frais, denrées, excédants des bagages et marchandises de toute classe transportées à la vitesse des trains de voyageurs 1 80

Marchandises transportées à petite vitesse.

- 1^{re} Classe.—Spiritueux. Huiles. Bois de menuiserie, de teinture et autres bois exotiques. Produits chimiques non dénommés. Œufs. Viande fraîche. Gibier. Sucre. Café. Drogues. Épiceries. Tissus. Denrées coloniales. Objets manufacturés. Armes 0 80
- 2^e Classe.—Blés. Grains. Farines. Légumes farineux. Riz, maïs, châtaignes et autres denrées alimentaires non dénommés. Chaux et plâtre. Charbon de bois. Bois à brûler dit *de corde*. Perches. Chevrons. Planches. Madriers. Bois de charpente. Marbre en bloc. Albâtre. Bitume. Cotons. Laines. Vins. Vinaigres. Boissons. Bières. Levûre sèche. Coke. Fer. Cuivre. Plomb et autres métaux ouvrés ou non. Fontes moulées 0 70
- 3^e Classe.—Pierres de taille et produits de carrières. Minerais autres que les minerais de fer. Fonte brute. Sel. Moellons. Meulières. Argiles. Briques. Ardoises 0 50
- 4^e Classe.—Houille. Marne. Cendres. Fumiers et engrais. Pierres à chaux et à plâtre. Pavés et matériaux pour la construction et réparation des routes. Minerais de fer. Cailloux et sables 0 40

3. Voitures et Matériel Roulant transportés à petite vitesse.

Par Pièce et par Kilomètre.

Wagon ou chariot pouvant porter de 3 à 6 tonnes 0 75
 " " " " plus de 6 tonnes 1 00
 Locomotive pesant de 12 à 18 tonnes 15 00
 " " plus de 18 tonnes 18 75
 Tender de 7 à 10 tonnes 7 50
 " plus de 10 tonnes 11 25

Le prix à payer pour un wagon chargé ne pourra jamais être inférieur à celui qui serait dû pour un wagon marchant à vide.

Voitures à 2 ou 4 roues, à un fond et à une seule banquette dans l'intérieur 1 25
 Voitures de 4 roues, à 2 fonds et à 2 banquettes dans l'intérieur, omnibus, diligences, &c. 1 60

Lorsque, sur la demande des expéditeurs, les transports auront lieu à la vitesse des trains de voyageurs, les prix ci-dessus seront doublés.

Dans ce cas, 2 personnes pourront, sans supplément de prix, voyager dans les voitures à une banquette, et 3 dans les voitures à 2 banquettes, omnibus, diligences, &c. Les voyageurs excédant ce nombre payeront le prix des places de 2^e classe.

| | | | Prix de transport. |
|---|----|----|-----------------------|
| | | | Fr. c. |
| Voitures de déménagement à 2 ou à 4 roues, à vide | .. | .. | 1 00 |
| Ces voitures, lorsqu'elles seront chargées, payeront en sus des prix ci-dessus, par tonne de chargement et par kilomètre | .. | .. | 0 70 |

4. *Service des Pompes Funèbres et Transport des Cercueils.*

Grande vitesse.

| | | | |
|--|----|----|------|
| Une voiture des pompes funèbres renfermant un ou plusieurs cer- cueils sera transportée aux mêmes prix et conditions qu'une voiture à 4 roues, à 2 fonds et à 2 banquettes | .. | .. | 3 20 |
| Chaque cercueil confié à l'administration du chemin de fer sera transporté, dans un compartiment isolé, au prix de | .. | .. | 1 50 |

Les prix déterminés ci-dessus ne comprennent pas l'impôt dû à l'État.

La perception aura lieu d'après le nombre de kilomètres parcourus. Tout kilomètre entamé sera payé comme s'il avait été parcouru en entier.

Le poids de la tonne est de 1,000 kilogrammes.

Les fractions de poids ne seront comptées, tant pour la grande que pour la petite vitesse, que par centième de tonne ou par 10 kilogrammes.

Ainsi tout poids compris entre zéro et 10 kilogrammes payera comme 10 kilogrammes; entre 10 et 20 kilogrammes, comme 20 kilogrammes, &c.

Toutefois, pour les excédants de bagages et marchandises à grande vitesse, les coupures seront établies :—(1) de zéro à 5 kilogrammes; (2) au-dessus de 5 jusqu'à 10 kilogrammes; (3) au-dessus de 10 kilogrammes, par fraction indivisible de 10 kilogrammes.

Quelle que soit la distance parcourue, le prix d'une expédition quelconque, soit en grande, soit en petite vitesse, ne pourra être moindre de 40 centimes.

XLIII. À moins d'une autorisation spéciale et révocable de l'Administration, tout train régulier de voyageurs devra contenir des voitures de toute classe en nombre suffisant pour toutes les personnes qui se présenteraient dans les bureaux du chemin de fer.

Dans chaque train de voyageurs la compagnie aura la faculté de placer des voitures à compartiments spéciaux pour lesquels il sera établi des prix particuliers que l'Administration fixera, sur la proposition de la compagnie; mais le nombre des places à donner dans ces compartiments ne pourra dépasser le cinquième du nombre total des places du train.

XLIV. Tout voyageur dont le bagage ne pèsera pas plus de 30 kilogrammes n'aura à payer, pour le port de ce bagage, aucun supplément du prix de sa place.

Cette franchise ne s'appliquera pas aux enfants transportés

gratuitement, et elle sera réduite à 20 kilogrammes pour les enfants transportés à moitié prix.

XLV. Les animaux, denrées, marchandises, effets, et autres objets non désignés dans le tarif seront rangés, pour les droits à percevoir, dans les classes avec lesquelles ils auront le plus d'analogie, sans que jamais, sauf les exceptions formulées aux Articles XLVI et XLVII ci-après, aucune marchandise non dénommée puisse être soumise à une taxe supérieure à celle de la première classe du tarif ci-dessus.

Les assimilations de classes pourront être provisoirement réglées par la compagnie ; mais elles seront soumises immédiatement à l'Administration, qui prononcera définitivement.

XLVI. Les prix de transport déterminés au tarif ne sont point applicables à toute masse indivisible pesant plus de 3,000 kilogrammes.

Néanmoins, la compagnie ne pourra se refuser à transporter les masses indivisibles pesant de 3,000 à 5,000 kilogrammes ; mais les prix de transport seront augmentés de moitié.

La compagnie ne pourra être contrainte à transporter les masses pesant plus de 5,000 kilogrammes.

Si, nonobstant la disposition qui précède, la compagnie transporte des masses indivisibles pesant plus de 5,000 kilogrammes, elle devra, pendant 3 mois au moins, accorder les mêmes facilités à tous ceux qui en feraient la demande.

Dans ce cas les prix de transport seront fixés par l'Administration, sur la proposition de la compagnie.

XLVII. Les prix de transport déterminés au tarif ne sont point applicables —

1. Aux denrées et objets qui ne sont pas nommément énoncés dans le tarif et qui ne pèsent pas 200 kilogrammes sous le volume d'un mètre cube ;

2. Aux matières inflammables ou explosibles, aux animaux, et objets dangereux, pour lesquels des règlements de police prescriraient des précautions spéciales ;

3. Aux animaux dont la valeur déclarée excéderait 5,000 francs ;

4. À l'or et à l'argent, soit en lingots, soit monnayés ou travaillés, au plaqué d'or ou d'argent, au mercure, et au platine, ainsi qu'aux bijoux, dentelles, pierres précieuses, objets d'art, et autres valeurs ;

5. Et, en général, à tous paquets, colis, ou excédants de bagages pesant isolément 40 kilogrammes et au-dessous.

Toutefois, les prix de transport déterminés au tarif sont applicables à tous paquets ou colis, quoique emballés à part, s'ils font partie d'envois pesant ensemble plus de 40 kilogrammes d'objets envoyés par une même personne à une même personne. Il en sera

de même pour les excédants de bagages qui pèseraient ensemble ou isolément plus de 40 kilogrammes.

Le bénéfice de la disposition énoncée dans le paragraphe précédent, en ce qui concerne les paquets et colis, ne peut être invoqué par les entrepreneurs de messageries et de roulage et autre intermédiaires de transport, à moins que les articles par eux envoyés ne soient réunis en un seul colis.

Dans les 5 cas ci-dessus spécifiés les prix de transport seront arrêtés annuellement par l'Administration, tant pour la grande que pour la petite vitesse, sur la proposition de la compagnie.

En ce qui concerne les paquets ou colis mentionnés au paragraphe 5 ci-dessus, les prix de transport devront être calculés de telle manière qu'en aucun cas un de ces paquets ou colis ne puisse payer un prix plus élevé qu'un article de même nature pesant plus de 40 kilogrammes.

XLVIII. Dans le cas où la compagnie jugerait convenable d'abaisser, avec ou sans conditions, au-dessous des limites déterminées par le tarif les taxes qu'elle est autorisée à percevoir, les taxes abaissées ne pourront être relevées qu'après un délai de 3 mois au moins pour les voyageurs et d'un an pour les marchandises.

Toute modification de tarif proposée par la compagnie sera annoncée un mois d'avance par des affiches.

La perception des tarifs modifiés ne pourra avoir lieu qu'avec l'homologation de l'Administration, conformément aux dispositions de l'Ordonnance du 15 Novembre, 1846.

La perception des taxes devra se faire indistinctement et sans aucune faveur.

Tout Traité particulier qui aurait pour effet d'accorder à un ou à plusieurs expéditeurs une réduction sur les tarifs approuvés demeure formellement interdit.

Toutefois, cette disposition n'est pas applicable aux Traités qui pourraient intervenir entre le Gouvernement et la compagnie dans l'intérêt des services publics, ni aux réductions ou remises qui seraient accordées par la compagnie aux indigents.

XLIX. La compagnie sera tenue d'effectuer constamment avec soin, exactitude et célérité, et sans tour de faveur, le transport des voyageurs, bestiaux, denrées, marchandises, et objets quelconques qui lui seront confiés.

Les colis, bestiaux, et objets quelconques seront inscrits à la gare, tant au départ qu'à l'arrivée, sur des registres spéciaux, au fur et à mesure de leur réception ; au départ, mention sera faite, sur le registre, du prix total dû pour leur transport.

Pour les marchandises ayant une même destination, les expéditions auront lieu suivant l'ordre de leur inscription.

Toute expédition de marchandises sera constatée, si l'expéditeur le demande, par une lettre de voiture dont un exemplaire restera aux mains de la compagnie et l'autre aux mains de l'expéditeur. Dans le cas où l'expéditeur ne demanderait pas de lettre de voiture, la compagnie sera tenue de lui délivrer un récépissé qui énoncera la nature et le poids du colis, de prix total du transport et le délai dans lequel ce transport devra être effectué.

L. Les animaux, denrées, marchandises, et objets quelconques seront expédiés et livrés dans les délais résultant des conditions ci-après exprimées :—

1. Les animaux, denrées, marchandises, et objets quelconques à grande vitesse seront expédiés par le premier train de voyageurs comprenant des voitures de toutes classes et correspondant avec leur destination, pourvu qu'ils aient été présentés à l'enregistrement 3 heures avant le départ de ce train.

Ils seront mis à la disposition des destinataires, à la gare, dans le délai de deux heures après l'arrivée du même train.

2. Les animaux, denrées, marchandises, et objets quelconques à petite vitesse seront expédiés dans le jour qui suivra celui de la remise ; toutefois l'Administration supérieure pourra étendre ce délai à deux jours.

Le maximum de durée du trajet sera fixé par l'Administration, sur la proposition de la compagnie, sans que ce maximum puisse excéder 24 heures.

Les colis seront mis à la disposition des destinataires dans le jour qui suivra celui de leur arrivée en gare.

Le délai total résultant des 3 paragraphes ci-dessus sera seul obligatoire pour la compagnie.

Il pourra être établi un tarif réduit, approuvé par le Ministre, pour tout expéditeur qui acceptera des délais plus longs que ceux déterminés ci-dessus pour la petite vitesse.

Pour le transport des marchandises il pourra être établi, sur la proposition de la compagnie, un délai moyen entre ceux de la grande et de la petite vitesse.

Le prix correspondant à ce délai sera un prix intermédiaire entre ceux de la grande et de la petite vitesse.

L'Administration supérieure déterminera, par des règlements spéciaux, les heures d'ouverture et de fermeture de la gare, tant en hiver qu'en été, ainsi que les dispositions relatives aux denrées apportées par les trains de nuit et destinées à l'approvisionnement des marchés des villes.

Lorsque la marchandise devra passer d'une ligne sur une autre sans solution de continuité, les délais de livraison et d'expédition au point de jonction seront fixés par l'Administration, sur la proposition de la compagnie.

LI. Les frais accessoires non mentionnés dans les tarifs, tels que ceux d'enregistrement, de chargement, de déchargement, et de magasinage, dans les gares et magasins du chemin de fer, seront fixés annuellement par l'Administration, sur la proposition de la compagnie.

LII. La compagnie sera tenue de faire, soit par elle-même, soit par un intermédiaire dont elle répondra, le factage et le camionnage pour la remise au domicile des destinataires de toutes les marchandises qui lui sont confiées.

Le factage et le camionnage ne seront point obligatoires en dehors du rayon de l'octroi de la ville dans laquelle la gare sera placée, ou si cette ville ne comprend pas une population agglomérée d'au moins 5,000 habitants; ils cesseront également d'être obligatoires si la gare est située à plus de 5 kilomètres d'une ville.

Les tarifs à percevoir seront fixés par l'Administration, sur la proposition de la compagnie. Ils seront applicables à tout le monde sans distinction.

Toutefois, les expéditeurs et destinataires resteront libres de faire eux-mêmes et à leurs frais le factage et le camionnage des marchandises.

LIII. À moins d'une autorisation spéciale de l'Administration, il est interdit à la compagnie, conformément à l'Article XIV de la Loi du 15 Juillet, 1845, de faire directement ou indirectement avec des entreprises de transport de voyageurs ou de marchandises par terre ou par eau, sous quelque dénomination ou forme que ce puisse être, des arrangements qui ne seraient pas consentis en faveur de toutes les entreprises desservant les mêmes voies de communication.

L'Administration, agissant en vertu de l'Article XXXIII ci-dessus, prescrira les mesures à prendre pour assurer la plus complète égalité entre les diverses entreprises de transport dans leurs rapports avec le chemin de fer.

TITRE V.—*Stipulations relatives à divers Services Publics.*

LIV. Les fonctionnaires ou agents chargés de l'inspection, du contrôle, et de la surveillance du chemin de fer seront transportés gratuitement dans les voitures de la compagnie.

La même faculté est accordée aux agents des contributions indirectes et des douanes chargés de la surveillance des chemins de fer dans l'intérêt de la perception de l'impôt.

LV. Le Gouvernement se réserve la faculté de faire, le long des voies, toutes les constructions, de poser tous les appareils nécessaires à l'établissement d'une ligne télégraphique, sans nuire au service du chemin de fer.

Sur la demande de l'administration de lignes télégraphique, il sera réservé, dans la gare, le terrain nécessaire à l'établissement des

maisonnettes destinées à recevoir le bureau télégraphique et son matériel.

La compagnie concessionnaire sera tenue de faire garder par ses agents les fils et les appareils des lignes électriques, de donner aux employés télégraphiques connaissance de tous les accidents qui pourraient survenir et de leur en faire connaître les causes. En cas de rupture du fil télégraphique, les employés de la compagnie auront à raccrocher provisoirement les bouts séparés, d'après les instructions qui leur seront données à cet effet.

Les agents de la télégraphie voyageant pour le service de la ligne électrique auront le droit de circuler gratuitement dans les voitures du chemin de fer.

En cas de rupture du fil télégraphique ou d'accidents graves, une locomotive sera mise immédiatement à la disposition de l'inspecteur télégraphique de la ligne, pour le transporter sur le lieu de l'accident avec les hommes et les matériaux nécessaires à la réparation. Ce transport sera gratuit, et il devra être effectué dans des conditions telles qu'il ne puisse entraver en rien la circulation publique.

Dans le cas où des déplacements de fils, appareils ou poteaux deviendraient nécessaires par suite de travaux exécutés sur le chemin, ces déplacements auraient lieu, aux frais de la compagnie, par les soins de l'administration des lignes télégraphiques.

La compagnie pourra obtenir l'autorisation, et au besoin être requise par le Ministre des Travaux Publics, agissant de concert avec le Ministre de l'Intérieur, d'établir à ses frais les fils et appareils télégraphiques destinés à transmettre les signaux nécessaires pour la sûreté et la régularité de son exploitation.

Elle pourra, avec l'autorisation du Ministre de l'Intérieur, se servir des poteaux et supports de la ligne télégraphique de l'État, lorsqu'une semblable ligne existera le long de la voie.

La compagnie sera tenue de se soumettre à tous les règlements d'administration publique concernant l'établissement et l'emploi de ces appareils, ainsi que l'organisation, aux frais de la compagnie, du contrôle de ce service par les agents de l'État.

TITRE VI.—*Clauses Diverses.*

LVI. Dans le cas où le Gouvernement ordonnerait ou autoriserait la construction de routes nationales, départementales ou vicinales, de chemins de fer ou de canaux qui transverseraient la ligne objet de la présente concession, la compagnie ne pourra s'opposer à ces travaux ; mais toutes les dispositions nécessaires seront prises pour qu'il n'en résulte aucun obstacle à la construction ou au service du chemin de fer, ni aucuns frais pour la compagnie.

LVII. Toute exécution ou autorisation ultérieure de route, de canal, de chemin de fer, de travaux de navigation dans la contrée où

est situé le chemin de fer objet de la présente concession, ou dans toute autre contrée voisine ou éloignée, ne pourra donner ouverture à aucune demande d'indemnité de la part de la compagnie.

Toutefois, le Gouvernement s'engage à ne concéder pendant 30 ans, à partir de la date fixée pour l'achèvement des travaux, aucun autre chemin de fer partant du littoral Français et pénétrant sous la mer dans la direction de l'Angleterre.

LVIII. Dans la partie de la ligne comprise entre la gare principale où commencera le service spécial du Tunnel Sous-marin et la limite de sa concession vers l'Angleterre, la compagnie ne pourra être tenue de recevoir aucun embranchement public ou particulier, ni de laisser circuler des trains autres que ceux formés par elle.

Dans la partie de la ligne comprise entre la gare principale et la limite de sa concession vers la France, la compagnie sera soumise aux dispositions suivantes, qui s'appliquent exclusivement à la dite partie.

Le Gouvernement se réserve expressément le droit d'accorder de nouvelles concessions de chemins de fer s'embranchant sur la dite partie du chemin qui fait l'objet du présent Cahier des Charges, ou établis en prolongement.

La compagnie ne pourra mettre aucun obstacle à ces embranchements, ni réclamer, à l'occasion de leur établissement, aucune indemnité quelconque, pourvu qu'il n'en résulte aucun obstacle à la circulation, ni aucuns frais particuliers pour elle.

Les compagnies concessionnaires des chemins de fer d'embranchement ou de prolongement auront la faculté, moyennant les tarifs ci-dessus déterminés et l'observation des règlements de police et de service établis ou à établir, de faire circuler leurs voitures, wagons, et machines sur le chemin de fer objet de la présente concession, pour lequel cette faculté sera réciproque à l'égard des dits embranchements et prolongements.

Dans le cas où une compagnie d'embranchement ou de prolongement joignant la ligne qui fait l'objet de la présente concession n'userait pas de la faculté de circuler sur cette ligne, comme aussi dans le cas où la compagnie concessionnaire de cette ligne ne voudrait pas circuler sur les prolongements et embranchements, les compagnies seraient tenues de s'arranger entre elles de manière que le service du transport ne soit jamais interrompu aux points de jonction des diverses lignes.

Celle des compagnies qui se servira d'un matériel qui ne serait pas sa propriété payera une indemnité en rapport avec l'usage et la détérioration de ce matériel. Dans le cas où la compagnie ne se mettrait pas d'accord sur la quotité de l'indemnité ou sur les moyens d'assurer la continuation du service sur toute la ligne, le Gouvernement y pourvoirait d'office et prescrirait toutes les mesures nécessaires.

LIX. La contribution foncière sera établie en raison de la surface des terrains occupés par le chemin de fer et ses dépendances ; la cote en sera calculée, comme pour les canaux, conformément à la Loi du 25 Avril, 1803.

Les bâtiments et magasins dépendant de l'exploitation du chemin de fer seront assimilés aux propriétés bâties de la localité. Toutes les contributions auxquelles ces édifices pourront être soumis seront, aussi bien que la contribution foncière, à la charge de la compagnie.

LX. Les agents et gardes que la compagnie établira, soit pour la perception des droits, soit pour la surveillance et la police du chemin de fer et de ses dépendances, pourront être assermentés et seront, dans ce cas, assimilés aux gardes champêtres.

LXI. Un règlement d'administration publique désignera, la compagnie entendue, les emplois dont la moitié devra être réservée aux anciens militaires de l'armée de terre et de mer libérés du service.

LXII. Il sera institué près de la compagnie un ou plusieurs inspecteurs ou commissaires spécialement chargés de surveiller les opérations de la compagnie, pour tout ce qui ne rentre pas dans les attributions des ingénieurs de l'État.

LXIII. Les frais de visite, de surveillance et de réception des travaux, et les frais de contrôle de l'exploitation, seront supportés par la compagnie. Ces frais comprendront le traitement des inspecteurs ou commissaires dont il a été question dans l'Article précédent.

Afin de pourvoir à ces frais, la compagnie sera tenue de verser chaque année, à la caisse centrale du trésor public, une somme de 120 francs par chaque kilomètre de chemin de fer concédé. Toutefois, cette somme sera réduite à 50 francs par kilomètre pour la période antérieure à la mise en exploitation.

Dans les dites sommes n'est pas comprise celle qui sera déterminée, en exécution de l'Article LVIII ci-dessus, pour frais de contrôle du service télégraphique de la compagnie par les agents de l'État.

Si la compagnie ne verse pas les sommes ci-dessus réglées aux époques qui auront été fixées, le préfet rendra un rôle exécutoire, et le montant en sera recouvré comme en matière de contributions publiques.

LXIV. La compagnie est dispensée de tout cautionnement.

LXV. La compagnie devra faire élection de domicile à Paris.

Dans le cas où elle ne l'aurait pas fait, toute notification ou signification à elle adressée sera valable lorsqu'elle sera faite au Secrétariat Général de la Préfecture de la Seine.

LXVI. Les contestations qui s'élèveraient entre la compagnie et l'Administration au sujet de l'exécution et de l'interprétation des

clauses du présent Cahier des Charges seront jugées administrative-
ment par le Conseil de Préfecture du Département de la Seine, sauf
recours au Conseil d'État.

Arrêté à Versailles, le 2 Août, 1875.

E. CAILLAUX, *Ministre des Travaux Publics*.

Vu pour être annexé à la Loi adoptée par l'Assemblée Nationale
dans sa séance du 3 Août, 1875.*

DUC D'AUDIFFRET-PASQUIER, *Président*.

FÉLIX VOISIN, T. DUCHATEL, E. LAMY, LOUIS DE SÉGUR, *Secrétaires*.

TRAITÉ entre la Confédération Suisse et la Monarchie Austro-Hongroise, concernant l'Établissement, l'Exemption du Service et des Impôts Militaires, l'Égalité des Ressortissants des deux États en matière d'Impôts, leur Traitement gratuit réciproque en cas de Maladie et d'Accidents, et la Communication gratuite réciproque d'Extraits officiels des Registres des Naissances, des Mariages, et des Décès.—Signé à Berne, le 7 Décembre, 1875.

[Ratifications échangées à Berne, le 22 Avril, 1876.]

(Traduction.)

LE Conseil Fédéral Suisse, d'une part, et Sa Majesté l'Empereur d'Autriche et Roi Apostolique de Hongrie, d'autre part, ont jugé utile de conclure un Traité, valable pour la Suisse, d'une part, et pour la Monarchie Austro-Hongroise, d'autre part, pour régler ce qui concerne l'établissement, l'exemption du service militaire et des taxes militaires, l'égalité de traitement en matière d'impôts, des ressortissants de l'un des deux États Contractants sur le territoire de l'autre, l'assistance réciproque gratuite de leurs ressortissants pauvres en cas de maladie ou d'accident, et la communication gratuite et réciproque d'extraits officiels des registres des naissances, des mariages et des décès.

À cet effet ils ont nommé pour leurs Plénipotentiaires :

Le Conseil Fédéral, agissant au nom de la Confédération Suisse, M. le Conseiller Fédéral Ceresole, Chef du Département Fédéral de Justice et Police ; et

Sa Majesté Apostolique Impériale et Royale, M. le Baron d'Ottensfels-Gschwind, son Envoyé Extraordinaire et Ministre Plénipotentiaire auprès de la Confédération Suisse ;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les ressortissants de chacune des Parties Contractantes seront traités sur le même pied que les nationaux, lorsqu'ils s'établissent ou séjournent plus ou moins longtemps sur le territoire de l'autre État, pour tout ce qui concerne l'autorisation de séjour, l'exercice des industries et professions autorisées par les lois du pays, les impôts et contributions, en un mot toutes les conditions relatives au séjour et à l'établissement. Toutefois, ces dispositions ne sont pas applicables à l'exercice de la pharmacie et au colportage.

II. En ce qui concerne l'acquisition, la possession et aliénation des immeubles et biens-fonds de tout genre, ainsi que la libre disposition de ces propriétés et le paiement des impôts, taxes et droits de mutation sur ces immeubles, les ressortissants de chacune des Parties Contractantes jouissent, sur le territoire de l'autre, des mêmes droits que les nationaux.

III. Tout avantage que l'une des Parties Contractantes aurait accordé ou accorderait à l'avenir, d'une manière quelconque, à un autre État, en ce qui concerne l'établissement et l'exercice des professions industrielles, sera applicable de la même manière et à la même époque à l'autre Partie Contractante, sans qu'une convention spéciale soit nécessaire à cet effet.

IV. Les ressortissants de l'une des Parties Contractantes qui habitent sur le territoire de l'autre et qui seraient dans le cas d'être renvoyés, par sentence judiciaire ou mesure de police légalement ordonnée et exécutée, ou d'après les règlements sur les mœurs et la mendicité, seront reçus en tout temps, eux et leurs familles, dans le pays d'où ils sont originaires.

V. Les ressortissants de l'un des États Contractants qui habitent sur le territoire de l'autre ne sont pas soumis aux lois militaires du pays dans lequel ils séjournent; ils restent soumis à celles de leur pays d'origine.

Ils sont exempts, en particulier, de toute prestation en argent ou en nature, imposée par compensation pour le service militaire personnel, ainsi que de toutes réquisitions, excepté pour les logements militaires et les prestations qui grèvent la propriété.

Ils sont également affranchis de tout service dans la Garde Nationale, les milices, la landwehr (Honved), le landsturm, ainsi que du service dans les gardes civiques locales.

VI. En temps de paix comme en temps de guerre, il ne pourra en aucune circonstance être imposé ni exigé pour les biens d'un ressortissant de l'une des deux Parties Contractantes sur le territoire de l'autre, des taxes, droits, contributions ou charges autres ou plus forts qu'il n'en serait imposé ou exigé pour la même propriété si elle appartenait à un ressortissant du pays ou à un citoyen ou sujet de la nation la plus favorisée.

Il ne pourra également être perçu ni exigé d'un ressortissant de

l'une des deux Parties Contractantes sur le territoire de l'autre, aucun impôt autre ou plus fort que ceux qui sont perçus ou exigés d'un ressortissant du pays ou d'un citoyen ou sujet de la nation la plus favorisée.

Ne sont pas compris dans les impôts ci-dessus les droits de douane, non plus que les droits d'ancrage et les droits maritimes.

VII. Les deux Parties Contractantes s'engagent réciproquement à secourir les ressortissants pauvres de l'autre État qui tombent malades ou sont victimes d'accidents sur leur territoire, y compris les personnes atteintes d'aliénation mentale, et à les faire soigner, comme leurs propres ressortissants, jusqu'au moment où leur repatriement pourra être opéré sans danger pour eux ou pour des tiers.

Les frais qui sont faits en pareil cas, ou ceux qui résultent de l'inhumation des indigents décédés, ne sont réciproquement remboursés ni par l'État ou le pays, ni par les communes ou autres caisses publiques. Le recours devant les tribunaux civils contre la personne secourue ou les tiers obligés pour elle demeure seul réservé.

Les Parties Contractantes s'engagent aussi réciproquement à se prêter, sur la demande de l'autorité intéressée, l'appui que permet la législation du pays, en vue d'arriver au remboursement de frais dans une mesure équitable.

VIII. Dans tous les cas de naissance, de mariage et de décès de ressortissants Austro-Hongrois en Suisse, et réciproquement de ressortissants Suisses en Autriche-Hongrie, les fonctionnaires compétents, ecclésiastiques et laïques doivent expédier sans retard et sans frais les extraits officiels des registres de paroisse (Kirchenbücher), soit des registres d'état civil, qui s'y rapportent, et les transmettre en Suisse à la Legation d'Autriche-Hongrie à Berne et en Autriche-Hongrie à la Légation Suisse à Vienne.

Ces expéditions sont légalisées, conformément à la législation du pays dans lequel ils sont dressés.

Les certificats de naissances, de mariages et de décès dressés en Autriche-Hongrie et rédigés dans une autre langue que l'Allemand ou le Latin, doivent être accompagnés d'une traduction en Latin, dûment légalisée par l'autorité compétente. En revanche, les actes de ce genre dressés en Suisse doivent être accompagnés d'une traduction en Allemand ou en Latin s'ils concernent des ressortissants Autrichiens, et qu'ils soient rédigés dans une autre langue que l'Allemand ou le Latin, et d'une traduction en Latin, s'ils concernent des ressortissants Hongrois et qu'ils ne soient pas rédigés en Latin. Ces traductions doivent également être dûment légalisées par l'autorité compétente.

Ni l'expédition ni l'acceptation des actes de naissance ne peuvent préjuger la question de la naturalité de l'intéressé.

IX. Le présent Traité est conclu pour le terme de 10 ans ; il

entrera en vigueur après 4 semaines dès le jour de l'échange des ratifications. Si aucune des Parties Contractantes ne le dénonce 6 mois avant l'expiration du délai de 10 ans, il continuera à subsister aussi longtemps qu'il n'aura pas été dénoncé. Cette dénonciation devra également se faire 6 mois à l'avance.

X. Ce Traité sera ratifié, et l'échange des ratifications devra avoir lieu dans le délai de 6 mois à partir du jour de la signature, ou plus tôt si faire se peut. L'échange des ratifications aura lieu à Berne.

En foi de quoi, les Plénipotentiaires des deux États ont signé les présents Articles et y ont apposé leur cachet.

Ainsi fait en deux expéditions à Berne, le 7 Décembre, 1875.

(L.S.) OTTENFELS.

(L.S.) CERESOLE.

ACT of the British Parliament, to give effect to an Act of the Parliament of the Dominion of Canada respecting Copyright.

[38 & 39 Vict., cap. 53.]

[2nd August, 1875.]

WHEREAS by an Order of Her Majesty in Council, dated the 7th day of July, 1868,* it was ordered that all prohibitions contained in Acts of the Imperial Parliament against the importing into the Province of Canada, or against the selling, letting out to hire, exposing for sale or hire, or possessing therein foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, should be suspended so far as regarded Canada :

And whereas the Senate and House of Commons of Canada did, in the second session of the third Parliament of the Dominion of Canada, held in the 38th year of Her Majesty's reign, pass a Bill intituled "An Act respecting Copyrights," which Bill has been reserved by the Governor-General for the signification of Her Majesty's pleasure thereon :

And whereas by the said reserved Bill provision is made, subject to such conditions as in the said Bill are mentioned, for securing in Canada the rights of authors in respect of matters of copyright, and for prohibiting the importation into Canada of any work for which copyright under the said reserved Bill has been secured ; and whereas doubts have arisen whether the said reserved Bill may not be repugnant to the said Order in Council, and it is expedient to remove such doubts and to confirm the said Bill :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited for all purposes as “The Canada Copyright Act, 1875.”

2. In the construction of this Act the words “book” and “copyright” shall have respectively the same meaning as in the Act of the 5th and 6th years of Her Majesty’s reign, chapter 45, intituled “An Act to amend the Law of Copyright.”*

3. It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, as contained in the Schedule to this Act annexed, and if Her Majesty shall be pleased to signify her assent thereto, the said Bill shall come into operation at such time and in such manner as Her Majesty may by Order in Council direct: anything in the Act of the 28th and 29th years of the reign of Her Majesty, chapter 93, or in any other Act to the contrary notwithstanding.

4. Where any book in which, at the time when the said reserved Bill comes into operation, there is copyright in the United Kingdom, or any book in which thereafter there shall be such copyright, becomes entitled to copyright in Canada in pursuance of the provisions of the said reserved Bill, it shall be unlawful for any person, not being the owner, in the United Kingdom, of the copyright in such book, or some person authorized by him, to import into the United Kingdom any copies of such book reprinted or republished in Canada; and for the purposes of such importation the 17th section of the said Act of the 5th and 6th years of the reign of Her Majesty, chapter 45, shall apply to all such books in the same manner as if they had been reprinted out of the British dominions.

5. The said Order in Council, dated the 7th day of July, 1868, shall continue in force so far as relates to books which are not entitled to copyright for the time being, in pursuance of the said reserved Bill.

SCHEDULE.

An Act respecting Copyrights.

Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Minister of Agriculture shall cause to be kept in his office books to be called the “Registers of Copyrights,” in which proprietors of literary, scientific, and artistic works or compositions may have the same registered in accordance with the provisions of this Act.

2. The Minister of Agriculture may, from time to time, subject to the approval of the Governor in Council, make such rules and regulations and prescribe such forms as may appear to him necessary and expedient for the purposes of this Act; such regulations and forms, being circulated in print for the use of the public, shall be deemed to be correct for the purposes of this Act, and all docu-

ments executed and accepted by the said Minister of Agriculture shall be held valid so far as relates to all official proceedings under this Act.

3. If any person prints or publishes, or causes to be printed or published, any manuscript whatever, the said manuscript having not yet been printed in Canada or elsewhere, without the consent of the author or legal proprietor first obtained, such person shall be liable to the author or proprietor for all damages occasioned by such publication, to be recovered in any Court of competent jurisdiction.

4. Any person domiciled in Canada, or in any part of the British Possessions, or being a citizen of any country having an International Copyright Treaty with the United Kingdom, who is the author of any book, map, chart, or musical composition, or of any original painting, drawing, statue, sculpture, or photograph, or who invents, designs, etches, engraves, or causes to be engraved, etched, or made from his own design, any print or engraving, and the legal representatives of such person, shall have the sole right and liberty of printing, reprinting, publishing, reproducing, and vending such literary, scientific, or artistic works or compositions, in whole or in part, and of allowing translations to be printed or reprinted and sold, of such literary works from one language into other languages, for the term of 28 years from the time of recording the copyright thereof in the manner hereinafter directed :

(2.) The condition for obtaining such copyright shall be that the said literary, scientific, or artistic works be printed and published, or reprinted or republished in Canada, or in the case of works of art that it be produced or reproduced in Canada, whether they be so published or produced for the first time or contemporaneously with or subsequently to publication or production elsewhere : provided that in no case the exclusive privilege in Canada shall continue to exist after it has expired anywhere else.

(3.) No immoral, or licentious, or irreligious, or treasonable, or seditious literary, scientific, or artistic work shall be the legitimate subject of such registration or copyright.

5. If at the expiration of the aforesaid term of 28 years, such author, or any of the authors when the work has been originally composed and made by more than one person, be still living, or being dead has left a widow or a child or children living, the same exclusive right shall be continued to such author, or, if dead, then to such widow and child or children (as the case may be) for the further term of 14 years ; but in such case within one year after the expiration of the first term the title of the work secured shall be a second time recorded, and all other regulations herein required to be observed in regard to original copyrights shall be complied with in respect to such renewed copyright.

6. In all cases of renewal of copyright under this Act the author or proprietor shall, within two months from the date of such renewal, cause a copy of the record thereof to be published once in the "Canada Gazette."

7. No person shall be entitled to the benefit of this Act unless he has deposited in the office of the Minister of Agriculture two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving, and in case of paintings, drawings, statuary, and sculpture, unless he has furnished a written description of such works of art, and the Minister of Agriculture shall cause the copyright of the same to be recorded forthwith in a book to be kept for that purpose, in the manner adopted by the Minister of Agriculture, or prescribed by the rules and forms which may be made from time to time as hereinbefore provided.

8. The Minister of Agriculture shall cause one of the two copies of such book, map, chart, musical composition, photograph, print, cut, or engraving aforesaid, to be deposited in the Library of the Parliament of Canada.

9. No person shall be entitled to the benefit of this Act unless he gives information of the copyright being secured, by causing to be inserted in the several copies of every edition published during the term secured, on the title page, or the page immediately following, if it be a book, or if a map, chart, musical composition, print, cut, engraving, or photograph, by causing to be impressed on the face thereof, or if a volume of maps, charts, music, engravings, or photographs, upon the title page or frontispiece thereof, the following words, that is to say: "Entered according to Act of Parliament of Canada, in the year _____, by A.B., in the office of the Minister of Agriculture." But as regards paintings, drawings, statuary, and sculptures, the signature of the artist shall be deemed a sufficient notice of such proprietorship.

10. Pending the publication or republication in Canada of a literary, scientific, or artistic work, the author, or his legal representatives or assigns, may obtain an interim copyright by depositing in the office of the Minister of Agriculture a copy of the title, or a designation of such work intended for publication or republication in Canada, the said title or designation to be registered in an interim copyright register in the said office, to secure to the author aforesaid, or his legal representatives or assigns, the exclusive rights recognized by this Act, previous to publication or republication in Canada; the said interim registration, however, not to endure for more than one month from the date of the original publication elsewhere, within which period the work shall be printed or reprinted and published in Canada.

(2.) In all cases of interim registration under this Act, the author or proprietor shall cause notice of such registration to be inserted once in the "Canada Gazette."

(3.) A literary work intended to be published in pamphlet or book form, but which is first published in separate articles in a newspaper or periodical, may be the subject of registration within the meaning of this Act while it is so preliminarily published, provided that the title of the manuscript and a short analysis of the work are deposited in the office of the Minister of Agriculture, and that every separate article so published is preceded by the words "Registered in accordance with the Copyright Act of 1875;" but the work when published in book or pamphlet form shall be subject, besides, to the other requirements of this Act.

(4.) The importation of newspapers and magazines published in foreign countries, and containing, together with foreign original matter, portions of British copyright works republished with the consent of the author or his assigns or under the law of the country where such copyright exists, shall not be prohibited.

11. If any other person after the interim registration of the title of any book according to this Act within the term herein limited, or after the copyright is secured, and for the term or terms of its duration, prints, publishes, or reprints, or republishes, or imports, or causes to be so printed, published, or imported, any copy or any translation of such book without the consent of the person legally entitled to the copyright thereof first had and obtained by assignment, or knowing the same to be so printed or imported publishes, sells, or exposes for sale, or causes to be published, sold, or exposed for sale, any copy of such book without such consent, such offender shall forfeit every copy of such book to the person then legally entitled to the copyright thereof; and shall forfeit and pay for every such copy which may be found in his possession, either printed or printing, published, imported, or exposed for sale, contrary to the intent of this Act, such sum not being less than 10 cents nor more than 1 dollar as the Court shall determine; of which penalty one moiety shall be to the use of Her Majesty, and the other to the legal owner of such copyright, and such penalty may be recovered in any Court of competent jurisdiction.

12. If any person after the recording of any painting, drawing, statue, or

other work of art within the term or terms limited by this Act, reproduces in any manner, or causes to be reproduced, made, or sold, in whole or in part, copies of the said works of art without the consent of the proprietor or proprietors, such offender or offenders shall forfeit the plate or plates on which such reproduction has been made, and also every sheet thereof so copied, printed, or photographed, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of the same reproduction so published or exposed for sale, contrary to the true intent and meaning of this Act, such sum, not being less than 10 cents nor more than 1 dollar, as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

13. If any person, after the recording of any print, cut, or engraving, map, chart, musical composition, or photograph, according to the provisions of this Act, within the term or terms limited by this Act, engraves, etches, or works, sells or copies, or causes to be engraved, etched, or copied, made or sold, either in the whole or by varying, adding to, or diminishing the main design with intent to evade the law, or prints, or reprints, or imports for sale, or causes to be so printed or imported for sale, any such map, chart, musical composition, print, cut, or engraving, or any part thereof, without the consent of the proprietor or proprietors of the copyright thereof first obtained as aforesaid, or knowing the same to be so printed or imported without such consent, publishes, sells, or exposes for sale, or in any manner disposes of any such map, chart, musical composition, engraving, cut, photograph, or print without such consent as aforesaid, such offender or offenders shall forfeit the plate or plates on which such map, chart, musical composition, engraving, cut, photograph, or print has been copied, and also every sheet thereof so copied or printed as aforesaid, to the proprietor or proprietors of the copyright thereof, and shall further forfeit for every sheet of such map, musical composition, print, cut or engraving which may be found in his or their possession, printed or published or exposed for sale contrary to the true intent and meaning of this Act, such sum not being less than 10 cents nor more than 1 dollar as the Court shall determine; and one moiety of such forfeiture shall go to the proprietor or proprietors, and the other moiety to the use of Her Majesty, and such forfeiture may be recovered in any Court of competent jurisdiction.

14. Nothing herein contained shall prejudice the right of any person to represent any scene or object, notwithstanding that there may be copyright in some other representation of such scene or object.

15. Works of which the copyright has been granted and is subsisting in the United Kingdom, and copyright of which is not secured or subsisting in Canada under any Canadian or Provincial Act, shall, upon being printed and published or reprinted and republished in Canada, be entitled to copyright under this Act; but nothing in this Act shall be held to prohibit the importation from the United Kingdom of copies of such works legally printed there.

(2.) In the case of the reprinting of any such copyright work subsequent to its publication in the United Kingdom, any person who may have, previous to the date of entry of such work upon the registers of copyright, imported any foreign reprints, shall have the privilege of disposing of such reprints by sale or otherwise; the burden of proof, however, in such a case will lie with such person to establish the extent and regularity of the transaction.

16. Whenever the author of a literary, scientific, or artistic work or composition which may be the subject of copyright has executed the same for another person or has sold the same to another person for due consideration, such author shall not be entitled to obtain or to retain the proprietorship of such copyright, which is by the said transaction virtually transferred to the purchaser who may

avail himself of such privilege, unless a reserve of the said privilege is specially made by the author or artist in a deed duly executed.

17. If any person, not having legally acquired the copyright of a literary, scientific, or artistic work, inserts in any copy thereof printed, produced, reproduced, or imported, or impresses on any such copy, that the same hath been entered according to this Act, or words purporting to assert the existence of a Canadian copyright in relation thereto, every person so offending shall incur a penalty not exceeding 300 dollars (one moiety whereof shall be paid to the person who sues for the same, and the other moiety to the use of Her Majesty), to be recovered in any Court of competent jurisdiction.

(2.) If any person causes any work to be inserted in the Register of Interim Copyright, and fails to print and publish or reprint and republish the same within the time prescribed, he shall incur a penalty not exceeding 100 dollars (one moiety whereof shall be paid to the person who sueth for the same, and the other moiety to the use of Her Majesty), to be recovered in any Court of competent jurisdiction.

18. The right of an author of a literary, scientific, or artistic work to obtain a copyright, and the copyright when obtained, shall be assignable in law, either as to the whole interest or any part thereof, by an instrument in writing made in duplicate, and to be recorded in the office of the Minister of Agriculture, on production of both duplicates and payment of the fee hereinafter provided. One of the duplicates shall be retained in the office of the Minister of Agriculture, and the other returned, with the certificate of registration, to the party depositing it.

19. In case of any person making application to register as his own the copyright of a literary, scientific, or artistic work already registered in another person's name, or in case of simultaneous conflicting applications, or of an application made by any person other than the person entered as proprietor of a registered copyright, to cancel the said copyright, the party so applying shall be notified that the question is to be settled before a Court of competent jurisdiction, and no further proceedings shall be had concerning the subject before a judgment is produced, maintaining, cancelling, or otherwise settling the matter; and this registration, or cancellation, or adjustment of the said right shall then be made by the Minister of Agriculture in accordance with such decision.

20. Clerical errors happening in the framing or copying of any instrument drawn in the office of the Minister of Agriculture shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Minister of Agriculture.

21. All copies or extracts certified from the officer of the Minister of Agriculture shall be received in evidence without further proof, and without production of the originals.

22. Should a work copyrighted in Canada become out of print, a complaint may be lodged by any person with the Minister of Agriculture, who, on the fact being ascertained to his satisfaction, shall notify the copyright owner of the complaint and of the fact; and if, within a reasonable time, no remedy is applied by such owner, the Minister of Agriculture may grant a licence to any person to publish a new edition or to import the work, specifying the number of copies, and the royalty to be paid on each to the copyright owner.

23. The application for the registration of an interim copyright, of a temporary copyright, and of a copyright, may be made in the name of the author or of his legal representative by any person purporting to be the agent of the said author, and any fraudulent assumption of such authority shall be a misdemeanour, and shall be punished by fine and imprisonment accordingly; and any damage caused by a fraudulent or an erroneous assumption of such authority shall be recoverable before any Court of competent jurisdiction.

24. If any person shall wilfully make or cause to be made any false entry in the registry books of the Minister of Agriculture, or shall wilfully produce or cause to be tendered in evidence any paper falsely purporting to be a copy of an entry in the said books, he shall be guilty of a misdemeanour, and shall be punished accordingly.

25. If a book be published anonymously it shall be sufficient to enter it in the name of the first publisher thereof, either on behalf of the unnamed author or on behalf of such first publisher, as the case may be.

26. It shall not be requisite to deliver any printed copy of the second or of any subsequent edition of any book or books unless the same shall contain very important alterations or additions.

27. No act or prosecution for the recovery of any penalty under this Act shall be commenced more than two years after the cause of action arose.

The following fees shall be payable to the Minister of Agriculture before an application for any of the purposes hereinafter mentioned shall be entertained; that is to say,—

| | Dol. | c. |
|--|------|----|
| On registering a copyright | 1 | 00 |
| On registering an interim copyright | 0 | 50 |
| On registering a temporary copyright | 0 | 50 |
| On recording an assignment | 1 | 00 |
| On certified copy of registration | 0 | 50 |
| On registering any decision of a court of justice, for every folio | 0 | 50 |

On office copies of documents not above mentioned, the following charges shall be made :—

| | Dol. | c. |
|--|------|----|
| For every single or first folio certified copy | 0 | 50 |
| For every subsequent 100 words (fractions from and under 50 being not counted, and over 50 being counted for 100) .. | 0 | 25 |

(2.) The said fees shall be in full of all services performed under this Act by the Minister of Agriculture, or by any person employed by him in pursuance of this Act.

(3.) All fees received under this Act shall be paid over to the Receiver-General and form part of the Consolidated Revenue Fund of Canada. No fees shall be made the subject of exemption in favour of any person, and no fee exacted by this Act, once paid, shall be returned to the person who paid it.

28. "The Copyright Act of 1868,"* being the Act 31st Victoria, chapter 54, and all other Acts or parts of Acts inconsistent with the provisions of this Act, are hereby repealed, subject to the provisions of the next following section.

29. All copyrights heretofore acquired under the Acts or parts of Acts repealed shall, in respect of the unexpired terms thereof, continue unimpaired, and shall have the same force and effect as regards the province or provinces to which they now extend, and shall be assignable and renewable, and all penalties and forfeitures incurred and to be incurred under the same may be sued for and enforced, and all prosecutions commenced before the passing of this Act for any such penalties or forfeitures already incurred may be continued and completed as if such Acts were not repealed.

30. In citing this Act it shall be sufficient to call it "The Copyright Act of 1875."

ACT of the British Parliament, to amend the Copyright of Designs Acts.

[38 & 39 Vict., cap. 93.]

[13th August, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. This Act shall come into operation on the 1st day of January, 1876, which day is in this Act referred to as the commencement of this Act.

2. On and after the commencement of this Act all powers, duties, and authorities vested in, imposed on, or to be exercised by the Board of Trade under the Acts mentioned in the Schedule to this Act shall be transferred to, vested in, and imposed on the Commissioners of Patents for Inventions, and the said Acts shall be construed as if the said Commissioners of Patents were throughout substituted for the Board of Trade or the Lords of the Committee of the Privy Council for the consideration of all matters of trade and plantations.

3. The said Commissioners of Patents may from time to time make, and when made revoke and alter general rules for regulating registration under the Acts mentioned in the Schedule hereto, and this Act, and on and after the commencement of this Act any discretion or power vested in the Registrar under the said Acts shall be subject to the control of the Commissioners of Patents, and shall be exercised by him in such manner and with such limitations and restrictions (if any) as may be prescribed by the said general rules; and any provisions contained in the said Acts as to the copies, drawings, prints, descriptions, information, matters, and particulars to be furnished to the Registrar prior to registration, and as to the mode in which registration is to be conducted by the Registrar, and generally as to any act or thing to be done by the Registrar, may be modified by such general rules in such manner as the said Commissioners of Patents may think expedient.

General rules made in pursuance of this section shall be laid before Parliament within one month after they are made if Parliament be then sitting, or if not, within one month after the commencement of the then next session; and if either House of Parliament resolve within one month after such rules have been laid before such House that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice nevertheless to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

4. The office of Registrar under the Acts mentioned in the Schedule to this Act shall cease to exist as a separate paid office, and the Commissioners of Patents may from time to time make arrangements as to the mode in which, and the person or persons by whom, the duties of Registrar and other duties under the said Acts are to be performed, and may from time to time delegate to any such person or persons all or any of the duties of the Registrar, and any person or persons to whom such duties may be delegated shall, in so far as such delegation extends, be deemed to be the Registrar within the meaning of the said Acts.

Any arrangement or delegation of duties to the Clerk or other officer of the Commissioners of Patents made by the Board of Trade shall be as valid as it would have been if this Act had been passed at the date of such arrangement or delegation, and the same had been made by the Commissioners of Patents.

5. Each of the Acts mentioned in the Schedule to this Act may be cited as "The Copyright of Designs Act" of the year in which it was passed, and the said Acts may, together with this Act, be cited as "The Copyright of Designs Acts, 1842 to 1875," and this Act may be cited as "The Copyright of Designs Act, 1875."

SCHEDULE.

Copyright of Designs Acts.

| Session and Chapter. | Title. |
|-------------------------|--|
| 5 & 6 Vict., c. 100 .. | An Act to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting Articles of Manufacture.* |
| 6 & 7 Vict., c. 65 .. | An Act to amend the Laws relating to the Copyright of Designs.† |
| 13 & 14 Vict., c. 104.. | An Act to extend and amend the Acts relating to the Copyright of Designs.‡ |
| 21 & 22 Vict., c. 70 .. | An Act to amend the Act of the 5th and 6th years of Her present Majesty to consolidate and amend the Laws relating to the Copyright of Designs for Ornamenting Articles of Manufacture.§ |
| 24 & 25 Vict., c. 73 .. | An Act to amend the Law relating to the Copyright of Designs.\|\| |

* Vol. XXXIX. Page 1122.

† Vol. XXXI. Page 1227.

‡ Vol. XXXIX. Page 1143.

§ Vol. XLVIII. Page 969.

|| Vol. LI. Page 1140.

DECREE of the King of Portugal, promulgating the Regulations relative to the Abolition of the Servile Condition of all Libertos in the Transmarine Provinces of Portugal.—Lisbon, December 20, 1875.

(Translation.)

WHEREAS a draft of the Regulations drawn up by the Committee appointed by the Decree of the 29th of April last,* for the purpose of carrying into effect the Law of that same date, which abolished the servile condition of the “libertos” in the Transmarine Provinces, has been laid before me;

And whereas it is an urgent matter that the said Regulations, which complete and develop the object of that Law, establishing the recognition of the freedom of labour in the Portuguese African Colonies upon a solid basis, [should be approved];

Availing myself of the authority conferred upon my Government by Article XV, section 1, of the Additional Act of the Constitutional Charter of the Kingdom;†

After having consulted the Colonial Board and the Council of Ministers;

I am pleased to decree as follows:—

ART. I. The Regulations for the execution of the Law of the 29th of April of this year, which abolished the servile condition of the “libertos” in the Transmarine Provinces, which form part of this Decree, and are subjoined hereto under the signature of the Minister and Secretary of State for Foreign Affairs, and *ad interim* for the Navy and Colonies, are hereby approved.

II. All legislation to the contrary is hereby revoked.

The said Minister and Secretary of State shall accordingly carry out the said Decree.

At the Palace, December 20, 1875.

JOAO DE ANDRADE CORVO.

THE KING.

REGULATIONS for the due execution of the Portuguese Law of the 29th of April, 1875, respecting the Freedom of Libertos.—Lisbon, December 20, 1875.*

(Translation.)

CHAPTER I.—*Of the Condition of Liberty accorded to the “Libertos,” and of the Tutelage to which they are to remain subject.*

ART. I. At the expiration of one year after the publication in the Transmarine Provinces of the Law of the 29th April, 1875, which

* Page 212.

† Vol. L. Page 1274.

abolished the servile condition of the “libertos” (“freed men”), the latter shall be considered free for all intents and purposes.

II. The provision laid down in Article I applies, *pleno jure*, not only to all the “libertos” at present existing in each of the Transmarine Provinces, but also to any “libertos” or slaves that may be introduced therein, and no further declaration shall be requisite for that purpose.

III. All individuals that shall thus acquire the condition of freedom shall, in accordance with Article II of the Law, remain subject to public tutelage, and they are as follows:—

1. All those who may still be under the condition of “libertos” in virtue of the Decree of 14th December, 1854;*

2. The children of a slave woman, as referred to in Article II of the Law of 24th July, 1856;†

3. Those who passed to the state of “libertos” in virtue of the Decree of 29th February, 1869;‡

4. All those who may have been in any manner introduced into any of the Transmarine Provinces as “libertos,” and are still in that state.

§. Those professing any art or trade which they may exercise, and knowing how to read and write, or those engaged in public or private tuition, shall not remain subject to the public tutelage referred to in this Article.

IV. The public tutelage mentioned in Article III will cease *de jure* on the 29th of April, 1878.

V. The labour of those who remain subject to public tutelage is declared free in order to enable them to stipulate the conditions thereof, and to receive the wages agreed upon; nevertheless, they are bound to contract their services in accordance with the provisions contained in these Regulations.

VI. The public tutelage is to be exclusively exercised by a Curator-General and by the Governor of the province, whenever in the discharge of his functions, as conferred upon him in section 1 of Article III of the Law, he shall give a decision as the chief authority therein.

VII. The duties appertaining to the public tutelage referred to in these Regulations are those decreed in the Law, and which are herein noted.

VIII. The General Curator is the protector *ex officio* of those who remain subject to public tutelage, and it shall be his duty—

1. To exercise an intervention in the contracts of labour which they are bound to perform in virtue of Article V of the Law;

2. To cause, under his responsibility, all the provisions contained

* Vol. XLV. Page 1073.

† Vol. XLVII. Page 909.

‡ *Sic*: ought to be February 25. Vol. LX. Page 571.

in the Law, and in these Regulations, to be observed in the contracts in question ;

3. To oppose the conclusion of any contracts, whenever he shall think it his duty not to give his consent thereto for some special motives ;

4. To watch over the faithful compliance with the contracts on the part of the masters, either in person or by means of his subordinate authority, and he may proceed, or cause his delegates to proceed, to any inspections that may be requisite ;

5. To receive directly, or by means of the authority charged with this duty by these regulations, any representations or complaints that may be addressed to him with reference to the carrying out of those contracts ;

6. To withdraw the sanction already given to any contracts whenever there may be sufficient grounds to do so, in consequence of any violation of the Law or of these Regulations ;

7. To take the necessary steps for the due execution of, and compliance with, all the clauses which protect those who have engaged their services to others, and also to compel them to carry out the duties imposed upon them by the Law and by these Regulations ;

8 and finally. To discharge all the other duties intrusted to him by the Law and by these Regulations.

IX. The General Curator shall correspond directly with the Marine and Colonial Department, with all the authorities of the province, and with the Governors and Curators of other provinces.

X. The administrative authorities of the different districts, as well as the public prosecutors, are bound to give him their assistance, and to carry out whatever duties may be entrusted to them in their respective "concelhos" and districts by the Curator-General.

XI. Whenever the Curator-General shall, in virtue of the powers conferred upon him, consider it his duty to withdraw the sanction that may already have been given to any contract, he shall, before doing so, institute all the necessary inquiries, hearing what the masters or the complainant, or else his representative, may have to say upon the matter, and he may question witnesses or cause them to be questioned, and embody their depositions in authentic form.

§. From the decision given by the Curator-General, the only appeal that can be made is to the Governor of the Province in Council.

XII. All contracts from which the sanction shall have thus been withdrawn are null and void, saving the right of the colonists or labourers to be paid their return passage, in case the latter should be due to them.

XIII. When those subject to public tutelage in accordance with these Regulations shall happen to be minors according to the Civil Code, it will be the special duty of the Curator-General to exercise, either in person or through the public delegates in the different judicial districts, the several functions entrusted by law to the public delegates.

XIV. With the exception of the cases mentioned in the foregoing Article, the decision of the Curator-General can only be overruled by the Governor-General of the Province in Council.

XV. The Governor of the Province may issue an order for laying before him any matters that may have already been decided by the Curator-General, but his decision thereon must always be given in Council.

XVI. The Curator-General may, whenever he may think it expedient, inspect in person, or cause his delegates to inspect, how the several duties and services subject to his supervision and authority are carried out.

§ 1. While he is carrying on such inspection, he shall receive from the Provincial Treasury the same allowance which is given to Judges while inspecting their respective districts.

§ 2. If the said inspection is made by delegate, the latter shall receive the allowance which the Governor in Council shall determine, but in no case is it to exceed the sum referred to in section 1.

XVII. The Curator-General shall not be hindered in any way from discharging his proper functions by any authorities in the Province, and the latter shall afford him aid and assistance in the discharge thereof, as far as in them lies; saving, however, the duties committed to the Governor of the Province in section 1 of Article III of the Law, and in Article XV of these Regulations.

XVIII. The Curator-General's office shall be held in the office of the Government of the Province, and he shall have under him as many clerks as he may require.

§. The number of these clerks and their pay shall be fixed by the Governor in Council, according to the requirements of the public service.

XIX. The Curator-General is a Member of the Council of Government, as organized in Article XXVI of the Decree of December 1, 1869, but he is not to take part in any appeals made thereto from any decisions given by him.

XX. The Curator-General's salary is 1,200 reis;* for all intents and purposes he is placed on the same footing as the Crown and Treasury Solicitors in the Colonies, and his appointment is subject to the same rules and conditions.

* About 266*l*.

CHAPTER II.—*Of the Contracts for the Labour of any Individuals subject to Public Tutelage.*

XXI. All individuals subject to public tutelage in virtue of these Regulations, if more than 7 years old, are bound to contract their services for two years, from the date of the publication of the Law in each of the Transmarine Provinces, either personally or through their representatives.

§ 1. Such contracts shall be made in preference with their former masters, should the latter wish it, the said contracts being in all things subject to the conditions laid down in these Regulations.

§ 2. Should the contracts not be made with their present masters, they shall be made with others.

XXII. The contracts are as follows :—

1. Solely for the performance of labour ;
2. For the performance of labour and for the purpose of colonization by means of the concession of land ;
3. Solely for the purpose of colonization by means of the concession of land ;
4. For service in their own province ;
5. For service in another province.

XXIII. The contracts may be made with the sole stipulation for wages, or else for wages, food, and clothing.

XXIV. Those are to be considered colonists who contract their services solely for the purpose of colonization by means of the concession of land, or else by means of the concession of land and performance of labour.

Those are to be considered servants who make contracts solely for the performance of labour.

Those contracted for apprenticeship are to be considered servants.

XXV. All contracts made solely for the concession of land shall be drawn up in accordance with the provisions of the Civil Code, and they may be made, according to the agreement between the parties, either for a limited period or *in perpetuam*, as laid down in the said Code.

XXVI. Should the concession of land be coupled with the performance of personal service, the latter cannot be made obligatory for more than one half of the working time, or for a longer period than two years.

XXVII. In the contracts for colonization no certain price shall be stipulated for the sale of any produce grown by the colonist, or that it is only to be sold to the landlord.

XXVIII. The following specifications shall be inserted in the regulations of each province, namely :—

1. The minimum amount of concession of lands which may be stipulated for with each colonist, with or without a family, and with or without any engagement for the performance of labour.

2. The minimum of wages and rations, as well as the clothing and lodging of the persons contracted for, with the necessary references as to age and sex.

3. The necessary conditions and nature of the labour to be performed, specifying the hours of labour per diem with reference to the ages from 7 to 11, from 11 to 15, and from that age upwards.

4. The respective blank forms to be filled up, with the records of the different proceedings, &c.

For each of the periods above-mentioned the amount of labour to be sanctioned, as well as the hours for labour, shall be in proportion to the respective sexes and ages of the labourers, having in view Article XXXVII of these Regulations.

XXIX. No contracts can be made with any colonists so as to entail a separation from their wives or from their children up to the age of 15 years.

XXX. All minors who may happen to be foundlings, or abandoned by their parents, shall, when making their contracts, be subject to the provisions laid down in these Regulations in addition to those contained in the respective "Titles" of the Civil Code.

XXXI. The contracts shall specify as much as possible the nature of the services to be performed, and in what district and place; the wages, rations, and clothing to be paid to the parties contracted for, as well as the hours of labour per diem, excepting holidays to which they bind themselves.

XXXII. Every servant or colonist who may also be liable to personal service shall be furnished by their masters with a bed raised from the ground, with clothing every year, and with all articles that may be absolutely requisite for preparing, &c., their food.

Merely furnishing them with a "tanga" (drawers worn by negroes) shall not be considered a sufficient supply of clothing.

The respective schedules shall specify the special conditions as to the clothing which the masters are bound to furnish.

XXXIII. Labour after sunset, if there be any, shall be paid at double the rate, but no engagement to perform any such labour can be stipulated for in the respective contracts.

XXXIV. No advances of wages (to be discounted afterwards) shall be made by the masters in any one year for more than the amount thereof corresponding to two months.

§. Such advances shall be considered as paid at the expiration of 12 months from the date thereof, if they should not have been paid before, and the discount thereof shall not be made at a higher rate than one-twelfth part per month.

XXXV. No contracts for the performance of labour, and for the concession of lands coupled with the performance of labour, shall be allowed unless the masters are able to prove to the satisfaction of the public authority sanctioning the said contracts that they are land farmers, or else owners of a duly organized industrial establishment. Contracts for domestic service are excepted.

XXXVI. Should the masters die, their heirs succeed in the right to have the existing contracts carried out, unless they should give up such right.

XXXVII. Any colonists or servants shall not be compelled to work on holidays, or during more than $9\frac{1}{2}$ hours per diem.

§ 1. Works by the job, if there be any, shall be freely agreed upon with the colonists or servants, without any violation, however, of the advantages which may have been stipulated in the primitive contracts, which advantages the masters shall not be allowed to diminish by this means.

§ 2. The exemption from labour on holidays does not exempt them from the work which may be requisite for the treatment, &c., of the cattle, and from the common domestic service.

XXXVIII. No contracts involving the performance of personal service shall be transferred to other parties by the masters without the consent of the servants themselves, except in the cases authorized in these Regulations. When the transfer in question is, however, admissible, it shall be done with all the formalities required for the primitive contract, and under the same conditions.

XXXIX. No contracts for the performance of personal service shall be prolonged before the expiration of the period for which they may have been made.

XL. All the contracts mentioned in these Regulations must be approved by the General Curator, who shall be a party thereto either in person or through the administrative authority or public delegate whom he may have authorized for the purpose in the several "concelhos" or judicial districts.

XLI. The contracts thus approved shall be registered in the offices of the Syndics ("Administradores") of the districts, with all the due and proper legal formalities, in a special register appointed for the purpose. With this object those offices are to be provided with the necessary books for the purpose, the beginning and end of which are to be duly certified, and every leaf thereof is also to be signed.

XLII. No contract shall be registered unless it shall have been signed by the Curator-General, or by the person duly authorized by him for the purpose, in accordance with Article XL of these Regulations.

XLIII. The "Administradores" of the several districts shall

forward to the General Curator every quarter a detailed list of all the contracts registered during the quarter.

The list must contain—

1. The name, place of residence, and possession of the masters with reference to Article XXXV of these Regulations;
2. The name, sex, age, condition, place of birth, and residence of the persons contracted for;
3. The special conditions of each contract, and for what period they may have been made;
4. The districts and places where such contracts are to be carried out;
5. In what book they are registered.

XLIV. The “Administradores” of the districts who shall fail to comply with the rules laid down in the preceding Article, or shall falsify their lists, shall be dismissed, irrespective of any criminal proceedings to which they may have become liable by the very nature of the act which they may have committed.

XLV. Any contracts proved to have been made in contravention of the provisions laid down in this Law and in these Regulations are *pleno jure* null and void.

All contracts that are not signed by the public authority, and all those that have not been properly registered are likewise null and void.

§. From any decision that may be given to this effect by the Curator-General an appeal may be made to the Governor of the Province in Council.

XLVI. The fee laid down in the schedules for each Province shall be paid for the registration of contracts.

XLVII. Contracts shall only be made by the masters themselves or their agents, duly authorized for the purpose by the Governor of the Province in Council.

§ 1. The agents thus authorized in accordance with this Article must prove that they have never been condemned for any crime, and they must give a bond, as laid down in the regulations of the Province, and which cannot be of less than 200 milreis (44*l.*).

§ 2. Both the Governor of the Province and the Curator-General may, in the event of any abuse, quash such authority, in which case the bond is to cease if it be not subject to any other liability.

§ 3. The decision quashing the licence in question is a purely administrative matter, and therefore no appeal can be made therefrom.

XLVIII. Any individuals subject to public tutelage in accordance with these Regulations who may refuse to contract their services, or shall abandon work afterwards, are to be considered as vagrants, and they will be liable to the provisions laid down in

Article XXVII of this Law, and to those laid down in these Regulations for the purpose therein mentioned.

XLIX. Any colonists who are bound to work, and any servants who shall fail to comply with their work, without any good reason for doing so, shall forfeit for such working day the day's ration, and double the amount of their respective wages.

L. Absence from work during 15 consecutive days without any motive shall be considered as vagrancy, and, as such, liable to the penalties hereinafter laid down.

LI. Any masters who shall fail to pay their servants or colonists the wages stipulated for, to furnish them with food, and to comply with the conditions of the contracts made with them, shall be summoned by the administrative authority of the place to do so, and the latter shall immediately act *ex officio* in the matter as soon as any such non-compliance shall come to his knowledge.

§ 1. If after being summoned they still refuse to comply therewith, they shall be compelled to pay double the amount.

§ 2. Should the wages not have been paid for one whole month or more, the Curator-General may have the contract rescinded, should the colonist or servant prefer this course, and should he think it expedient. In this case the master shall also be compelled to pay the return passage stipulated in the contract, should the colonist or servant not contract his services again in the same province.

CHAPTER III.—*Of Contracts in Feudatory Lands and in Foreign Countries.*

LII. All natives who may be rescued in any feudatory territory or outside thereof in a foreign country for the purpose of serving in the Portuguese African Possessions, and who may be introduced therein, shall be immediately free in virtue of this Law.

LIIL. All contracts made with them must be registered in the district into which they may have been introduced, without which they shall not be valid.

§ 1. In order that the same may be registered, it is necessary to prove that they have been ratified by the Curator-General or by his representative.

1. None will be ratified except those made in accordance with the rules laid down in these Regulations.

2. The ratification must be annexed to the contracts made, and mention is to be made thereof in the register.

§ 2. None shall be introduced into any Province without a pass issued by the chief local administrative authority, to be exhibited by the parties contracted for at the Administrative Office of the district to which they are bound in order that the registration may be made.

§ 3. The term for the exhibition of this pass shall be fixed therein according to the distance.

§ 4. The said pass shall be duly registered.

LIV. On making the registration the parties contracted for shall be questioned as to whether they engaged their services of their own free will, and note shall be taken of their answers.

LV. A list of the entries made in the register with respect to these contracts shall also be sent to the Curator-General as mentioned in Article XLIII.

CHAPTER IV.—*Of Contracts for the Performance of Service and for Colonization out of the respective Province.*

LVI. Contracts for the performance of labour or for colonization out of the respective Province shall be subject to the several conditions which have been laid down, and they shall be registered in the districts where they may have been concluded. The rules laid down in Article LIII are to be followed with respect to any contracts made in accordance with Article LII.

LVII. Such contracts may be made by the masters or landlords themselves, on their proving the conditions specified in Article XXXV of these Regulations either in person or else through duly authorized agents in accordance with Article XLVII.

§. These agents must render an account to the Curator-General with respect to any contracts thus made by them.

LVIII. These contracts, whether they be made in the Portuguese Provinces or in feudatory territory, or in a foreign country, shall in all things be subject to the conditions already herein established, as well as to those under-mentioned herein.

LIX. These contracts shall specify:—

1. The names of the masters whom they are going to serve;
2. Their condition or profession, as mentioned in Article XXXV;
3. That the masters assume the responsibility of the full execution of the contract, and for all the expenses of their stay and conveyance.

§. The agents must exhibit a proper power of attorney authorizing them to make these contracts, and they shall likewise be responsible for all the expenses incurred until the arrival of the parties contracted for at their places of destination.

LX. No colonists or servants shall embark for any of the Provinces until their contracts shall have been revised by the Curator-General.

LXI. None shall be allowed to embark without a pass signed by the Governor of the Province, who shall be in communication with the Governor of the Province to which the said colonists or servants

are proceeding—of whose names he shall forward a duly signed list which shall be considered authentic for all intents and purposes.

LXII. No minor up to 15 years of age shall be allowed to be contracted, unless he should be going with his father or mother, or any relative as far as the second degree.

LXIII. These contracts shall be duly registered in the Province to which they are bound within 5 days after their arrival.

§. The registration shall be made in the office of the Government of the Province, and the respective masters are to be furnished with a copy thereof.

LXIV. These contracts shall always contain an engagement to pay for the return passage of the parties contracted for and of their families who may wish to go back to their own country at the expiration of the term of the contract.

§ 1. Within 6 months before the expiration of the term of the contract, the parties contracted for will have the option of choosing between the return passage and a premium equal to the expense of personal conveyance, which shall in this case be paid to them by their former master.

§ 2. They shall not be entitled to the said premium unless they can prove that they have already contracted their services or settled in the province.

LXV. Masters are bound to provide for the treatment of the sick, and in case the latter are received in the hospitals of the province, they are bound to pay the expense, according to the usual scale.

LXVI. The owners of any industrial establishments, having more than 20 servants or contract persons employed and resident therein, are bound to provide a proper place to serve as an infirmary, and attend to the proper treatment of the sick.

LXVII. In case any of the individuals under contract should be invalided, masters are bound to lodge and feed them until they are forwarded to their native places, or until the expiration of the contract.

LXVIII. Any servant or colonist who, for any reason, shall remain unemployed during the period of two years referred to in Article XXI of these Regulations, shall be bound to contract his services for the time which may be wanting to make up the two years; and should he refuse to do so, he shall be considered as a vagrant for all intents and purposes, and liable to the penalties hereinafter mentioned.

LXIX. Agents duly approved shall be allowed to organize parties of labourers for the performance of labour for any farmers or manufacturers who may prefer not to make contracts for some years.

§ 1. All such labourers thus contracted by these agents shall not be so for a longer period than two years, and by no means in worse conditions than those laid down in these Regulations; they may, however, be contracted for a shorter period.

§ 2. A clause shall be expressly inserted in these contracts binding the labourers to this kind of labour, and they must go to any part of the province to which they may be sent.

§ 3. The agents contracting these people shall always be responsible towards them as far as regards the carrying out of the conditions specified in the contracts which they may make for the transfer of their services.

§ 4. The schedule of the minimum price of the wages at which such transfers shall be allowed to be made is to be inserted in the Regulations of each province.

§ 5. Work by the job is also allowed.

§ 6. The other conditions laid down in Article XIX of the Law shall be duly complied with.

CHAPTER V.—*Of the Conditions of Conveyance.*

LXX. The conveyance of colonists or servants shall only be carried on in Portuguese vessels, registered for the purpose, after either giving a bond or making a deposit in cash.

LXXI. Any ship receiving on board more than 10 colonists or servants shall be considered as specially engaged in such conveyance, and shall have either to give a bond for, or to deposit in cash, the sum of 2,000 milreis (444l.).

LXXII. The regulations of each province shall specify the number of contract individuals whom each ship may carry without special reference to its tonnage, they being considered as third-class passengers, with a view to the accommodation to be furnished to them.

§ 1. These Regulations shall also specify the amount of space and of luggage, as well as the quantity of food to be allowed to each contract individual, and also the amount of clothing requisite for them to be received on board.

§ 2. Each sex shall be lodged separately.

LXXIII. The bond or deposit, as laid down in Article LXXI, shall be responsible for any non-compliance with the conditions imposed for the conveyance by sea of the servants or colonists.

§. The decisions upon this matter shall be given by the Council of Government, at the suggestion of the Curator-General, who shall not vote in this case, and after hearing what the interested parties may have to say.

LXXIV. The colonists or servants shall not be conveyed under

arrest, unless they shall have committed some crime for which they may have deserved it.

In this case they shall on arrival be immediately delivered over to the proper authorities, with a view to the instituting of criminal proceedings against them.

LXXV. At the end of each voyage the Governor shall furnish the master of the vessel with a document stating that the voyage has been completed in a regular manner, should this have been the case.

LXXVI. In order to enable the vessels engaged in the conveyance of colonists or servants to proceed on other voyages of the same nature, the masters must exhibit the document mentioned in the foregoing Article.

CHAPTER VI.—*Of Contracts made on account of the Province.*

LXXVII. In case the Government should sanction the use of the authority accorded in virtue of Article XXIV of the Law, the rules laid down in the following Articles are to be adhered to, in addition to any others that the Government may prescribe.

LXXVIII. In the event of the authority mentioned in the foregoing Article being made use of, the cost of conveyance shall be defrayed by the Provincial Treasury, and all other expenses are to be charged in the account for transfers of contracts for payment thereof.

LXXIX. Transfers of contracts shall only be made to individuals duly qualified in accordance with Article XXXV of these Regulations.

LXXX. Applications on the part of any persons possessing the qualifications mentioned in the foregoing Article for the purpose of getting any servants or colonists shall be addressed directly to the Governor of the Province, who will lay them before the Council.

§ 1. The applicants shall assume all responsibility for the respective contracts under all the conditions laid down in the Regulations, as well as for all the expenses which may be incurred by the Government of the Province up to the delivery of the parties contracted for, as per account current.

§ 2. For all the effects of the foregoing section the applicants shall either give a bond for, or deposit in cash, the sum to be fixed by the Governor in Council.

LXXXI. After these applications shall have been thus set in order a list is to be made of them all, for the purpose of being submitted to the Council of Government, who will decide as to what applications may be granted, and in what manner.

LXXXII. After the approval of the several lists the Governor of the Province shall cause the contracts to be made out for the

places where it may be most expedient to have them, and in accordance with the agreements made with the future under-tenants ("sublocatarios").

LXXXIII. No individuals are to be contracted in any territory that is not feudatory without the permission of the respective Governments or Chiefs. This rule is also applicable to such contracts as are not made on account of the Province.

LXXXIV. The distribution of the individuals contracted for in accordance with this Chapter by the Province, shall be made with reference to the applications which may have been sent in and granted, and also to the importance of the agricultural or industrial establishments for which they may be destined.

LXXXV. The farmers or manufacturers inscribed on the list shall bind themselves to receive the colonists or servants up to the number for which they may have applied, under penalty of their names being struck off the list, and of having to pay to the Province the amount of all the expenses that may have been incurred, and of the return passage of the parties contracted for, in case they should have returned.

LXXXVI. The following are to be excluded from the list of persons who are to receive colonists or servants from the Province:—

1. Those who may have refused to pay the return passage of the parties contracted for ;
2. Those who may have failed to carry out the conditions of their contracts, and suffered condemnation on that account ;
3. Those who may have been condemned for ill-treatment of the parties under contract.

LXXXVII. Nothing in the rules laid down in this Chapter shall prevent any duly qualified individuals from entering directly into any contracts for servants or colonists, or causing them to be made.

CHAPTER VII.—*Of Vagrancy, and of the Penalties to be inflicted for it.*

LXXXVIII. The individuals referred to in Articles I and III of these Regulations who may be adjudged to be vagrants under the conditions laid down in Article 256 of the Penal Code shall be liable to forced labour for two years in any establishments of the State especially appointed for the purpose, or else in the fortresses or public works of the Province, and they shall receive such wages as may be fixed by the Governor-General in Council.

§ 1. They may, however, at any time contract their services with any private individuals, in which case the obligation of public service is to cease.

§ 2. The public authorities shall not cede to any private persons

the services of the individuals in question, except in the cases of Articles XIX and XXIV of the Law, or in virtue of contracts freely entered into by them, in accordance with the conditions herein set forth.

LXXXIX. In the case of a repetition of vagrancy, they shall be subject to forced labour for the maximum period laid down in Article XXVII of the Law, and in accordance with what is therein set forth, and also in conformity with the rule laid down in Article 86 of the Penal Code, or else they shall be ordered to serve in the army, in accordance with Article 51 of the Law of 27th July, 1855.

XC. Should those who have contracted their services to any private persons refuse to perform the service for which they were contracted, their masters may deliver them over to the Curator-General, or to the authority representing him in the place, with a view to their being sent to the proper destination, as mentioned in the preceding Article.

XCI. The rules laid down in the 258th, 260th, and 262nd sections of the Penal Code are especially applicable to the individuals in question.

XCII. Whereas the ancient "libertos" to whom these Regulations refer are placed on the footing of minors, in virtue of the Decree of 14th December, 1854,* of Article II of the Law of the 29th April last,† and of Article III of these Regulations, the provisions of Article 266, and its sections 342 and 343, of the Penal Code, shall be applied, as the case may be, to those disturbing or attempting to disturb their labour in their masters' establishments, or enticing them to leave off work.

§. Should the enticement be accompanied by any acts of violence, in order to make them abandon their work and their masters' houses, the provisions of Article 329 of the same Code shall be applicable to the case.

XCIII. The act of publicly inducing or exhorting any workmen or colonists, at a meeting of the same, to commit any of the acts above referred to, or any other criminal act, shall be considered as a public provocation to crime, and subject to Article 486 of the Penal Code.

XCIV. In fine, any enticement or provocation in regard to any servants or colonists, which is expressly forbidden by Article XXX of the Law, shall be liable to the penalties laid down in Article 489 of the Penal Code, provided no greater penalty should be applicable to the case.

XCV. Any individuals who may have contracted their services

shall not be hindered by their masters from having recourse to the local protecting authorities. Those hindering them or attempting to hinder them shall be liable to the provisions laid down in Articles 329 and 330 of the Penal Code, as the case may be.

CHAPTER VIII.—*Of the Mode of Proceeding for estimating the Amount of Compensation due to the Ancient Masters on account of the Status of Liberty as decreed in the Law.*

XCVI. The Government shall order a strict inquiry to be made in order to ascertain :—

1. The manner in which the registration of “libertos” has been carried out in the different provinces, in accordance with the Decree of the 14th of December, 1854,* and subsequent legislation.

2. How many of those registered are placed in the conditions mentioned in Article I of the Decree of 24th July, 1856.†

3. What is the average value of servile labour in each province.

§ 1. All these data shall be laid before the Council of the Provincial Government, who, in view thereof and of any others they may deem requisite, shall fix the average value per annum of servile labour with reference to sexes, ages, and professions.

§ 2. Their deliberation shall be forwarded, with a report, to the Government of the Metropolis, for their decision in the matter.

§ 3. When once the schedule of the presumable value of servile labour shall have been approved in accordance with the foregoing section, the same is to be adhered to in the several proceedings upon this matter.

XCVII. The process for obtaining compensation shall be instituted before the Council of the Provisional Government, and the parties interested are to prove :—

(1.) The number of “libertos” they had in their service ;

(2.) The legal title upon which they held them ;

(3.) The certificate of registration ;

(4.) Their work or profession at the date of the Law ;

(5.) That they have paid the taxes imposed in the Province for each slave or “liberto ;”

(6.) For how long they still considered themselves entitled to their service ;

(7.) The capacity for labour of each “liberto,” and their ages and sexes.

§ 1. The only legal title on behalf of their right to the service of “libertos” shall be the authentic registration made of them by name.

§ 2. The Council of Government shall cause the necessary

* Vol. XLV. Page 1073.

† Vol. XLVII. Page 909.

inquiries and investigations to be made upon all the points mentioned in this Article, as well as upon any others that they may deem expedient.

XCVIII. After the process shall have been prepared in the manner set forth in the preceding Article, the Council of Government shall, after each of the members thereof shall have examined the case, draw up their report, which shall be forwarded to the Government of the Metropolis, for the purposes mentioned in Article XXXV of the Law.

CHAPTER IX.—*Of Fees to be recovered, of the Application thereof, as well as of the Fines laid down in these Regulations.*

XCIX. The Regulations of each province shall specify what acts are liable to the payment of fees, as well as the amount of the fees to be paid for any single act or series of acts.

C. The total amount of fees recovered shall be deposited in the Treasury of the district, and distributed among the several employés engaged in the performance of the different duties assigned to them by these Regulations.

§ 1. The Provincial Regulations shall specify what employés are entitled to receive fees, and what is the proportional rate for each.

§ 2. The expenses incurred in registers, and in such like requisites, shall be defrayed out of the sums in said chests.

§ 3. An account shall be rendered half-yearly to the Provincial Government with respect to the fees received, and the distribution thereof.

CI. The total amount of the fines laid down in these Regulations shall be deposited in the central Treasury of the Province, and one-half shall be delivered to the employés who may have discovered the acts for which fines shall have been imposed, and the other half is to be applied to subsidize the schools for primary instruction in the Province.

CHAPTER X.—*Of the Education and Instruction which must be given to Servants and Colonists under Contract.*

CII. In the schools which are already established, or which may hereafter be established in the several towns, in accordance with the respective Regulations upon public instruction, the professor shall be bound to give lessons on Sundays and holidays, for which service a salary shall be assigned to him.

CIII. All minors under contract, from the age of 7 to 15, shall be sent to those schools by their masters. This duty shall be considered as an express condition in all contracts.

CIV. Any individual having at his service, and under contract,

200 or more persons of those referred to in these Regulations, shall be bound to keep up an elementary school for primary education, which the individuals placed in the conditions of the preceding Article shall be bound to attend.

CV. The masters are bound to facilitate the free practice of religious and moral doctrine on the part of their servants or colonists, as well as their being instructed by the respective parish priests and missionaries who may be sent by the Government, and also by the professors who may be willing to devote themselves to this noble and useful purpose.

CHAPTER XI.—*General Rules.*

CVI. It is unlawful to prolong any contracts for the performance of service before the expiration of the term thereof.

CVII. At the expiration of the period of two years fixed in these Regulations, any written contracts for the performance of service or for colonization, which any of the individuals in question, or those who may have been brought from feudatory or other territories, may wish to renew of their own accord, shall not contain any conditions inferior or contrary to those laid down in these Regulations, or in the contracts which may be made for this purpose.

§ 1. Until otherwise decreed, such contracts shall be made with all the formalities laid down in these Regulations, and they shall be subject to the same supervision and obligations.

§ 2. No such contracts can be legally proved unless they shall have been drawn up in writing, and duly registered in the respective district, within 30 days from the date thereof.

§ 3. The Curator-General shall, for this purpose, continue to discharge all the duties for the due protection and supervision prescribed in these Regulations, with the exception of the power of rescinding any contracts, which shall be subject to the decision of the ordinary courts of justice.

CVIII. In addition to all the rules laid down in these Regulations, all those mentioned in the Law of the 29th of April last, which are not contained herein, are also to be duly complied with.

JOAO DE ANDRADE CORVO.

Department of Marine and Colonies,

Lisbon, December 20, 1875.

TREATY between the Governments of India and Siam, for promoting Commercial Intercourse between British Burmah and the adjoining Territories of Chiangmai, Lakon, and Lampoonchi, belonging to Siam. [Repression of Crimes. Apprehension of Dacoits, &c. Passports. Jurisdiction in Civil Cases. Forests. Duty on Goods, &c.]—Signed at Calcutta, January 14, 1874.

WHEREAS the Government of India and the Siamese Government desire to conclude a Treaty for the purpose of promoting commercial intercourse between British Burmah and the adjoining territories of Chiangmai, Lakon, and Lampoonchi, belonging to Siam, and of preventing dacoity and other heinous crimes in the territories aforesaid : The High Contracting Parties have for this purpose named and appointed their Plenipotentiaries, that is to say :—His Excellency the Right Honourable Thomas George Baring, Baron Northbrook of Stratton, and a Baronet, Member of the Privy Council of Her Most Gracious Majesty the Queen of Great Britain and Ireland, Grand Master of the Most Exalted Order of the Star of India, Viceroy and Governor-General of India in Council, has on his part named and appointed Charles Umpherston Aitchison, Esquire, Companion of the Most Exalted Order of the Star of India ; and His Majesty Somdetch Phra Paramindr Maha Chulalong Korn Bodindthong Depaya Maha Mongkut Purusaya Ratorerayarawiwongse Varutmauwongse Pribat Warakattriya Raja nikradom Chaduranta Porom Maha Chakrabantiray Sangkat Poromdham Mik Maharaja Dhiray Poromnat Pobit Phra Chula Chom Klaw Chow Yuhua, Supreme King of Siam, fifth of the present Royal Dynasty, who founded the Great City of Bangkok Amaratne Kosindr Mohindr Ayuthia, has on his part named and appointed Phya Charon Raja Maitri, Chief Judge of the Foreign Court, First Minister Plenipotentiary, Phya Samud Puranurax, Governor of the District of Samudr Prakar, Second Minister Plenipotentiary, and Phra Maha Muntri Sriongrax Samuha, Chief of the Department of the Royal Body Guard of the Right Adviser ; and Edward Fowle, Esquire, Luang Siamanukroh, Consul for Siam at Rangoon, Adviser ; And the aforesaid Plenipotentiaries having communicated to each other their respective full powers, and found them to be in good and due form, have agreed upon and concluded the following Articles :—

ART. I. His Majesty the King of Siam will cause the Prince of Chiangmai to establish and maintain guard stations, under proper officers, on the Siamese bank of the Salween river, which forms the boundary of Chiangmai, belonging to Siam, and to maintain a sufficient police force for the prevention of murder, robbery, dacoity, and other heinous crimes.

II. If any persons, having committed dacoity in any of the territories of Chiangmai, Lakon, and Lampoonchi, cross the frontier into British territory, the British authorities and police shall use their best endeavours to apprehend them. Such dacoits, when apprehended, shall, if Siamese subjects, be delivered over to the Siamese authorities at Chiangmai; if British subjects, they shall be dealt with by the British officer in the Yoonzaleen district.

If any persons, having committed dacoity in British territory, cross the frontier into Chiangmai, Lakon, or Lampoonchi, the Siamese authorities and police shall use their best endeavours to apprehend them. Such dacoits, when apprehended, shall, if British subjects, be delivered over to the British officer in the Yoonzaleen district; if Siamese subjects, they shall be dealt with by the Siamese authorities at Chiangmai.

If any persons, whether provided with passports under Article IV of this Treaty or not, commit dacoity in British or Siamese territory and are apprehended in the territory in which the dacoity was committed, they may be tried and punished by the local Courts without question as to their nationality.

Property plundered by dacoits, when recovered by the authorities on either side of the frontier, shall be delivered to its proper owners.

III. The Siamese authorities in Chiangmai, Lakon, and Lampoonchi will afford due assistance and protection to British subjects carrying on trade or business in any of those territories, and the British Government in India will afford similar assistance and protection to Siamese subjects from Chiangmai, Lakon, and Lampoonchi carrying on trade or business in British territory.

IV. British subjects entering Chiangmai, Lakon, and Lampoonchi from British Burmah must provide themselves with passports from the Chief Commissioner of British Burmah, or such officer as he appoints in this behalf, stating their names, calling, and description. Such passports must be renewed for each journey, and must be shown to the Siamese officers at the frontier stations, or in the interior of Chiangmai, Lakon, and Lampoonchi on demand. Persons provided with passports and not carrying any articles prohibited under the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the 18th April, 1855,* and the supplementary Agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the 13th May, 1856,† shall be allowed to proceed on their journey without interference; persons unprovided with passports may be turned back to the frontier, but shall not be subjected to further interference.

* Vol. XLVI. Page 138.

† *Ibid.* Page 146.

V. For the purpose of settling future disputes of a civil nature between British and Siamese subjects in Chiangmai, Lakon, and Lampoonchi, belonging to Siam, the following provisions are agreed to :—

(a.) His Majesty the King of Siam shall appoint proper persons to be Judges in Chiangmai with jurisdiction (1) to investigate and decide claims of British subjects against Siamese subjects in Chiangmai, Lakon, and Lampoonchi; (2) to investigate and determine claims of Siamese subjects against British subjects entering Chiangmai, Lakon, and Lampoonchi from British Burmah, and having passports under Article IV, provided such British subjects consent to the jurisdiction of the Court;

(b.) Claims of Siamese subjects against British subjects entering Chiangmai, Lakon, and Lampoonchi from British Burmah, and holding passports under Article IV, but not consenting to the jurisdiction of the Judges at Chiangmai appointed as aforesaid, shall be investigated and decided by the British Consul at Bangkok, or by the British officer of the Yoonzaleen district;

(c.) Claims of Siamese subjects against British subjects entering Chiangmai, Lakon, and Lampoonchi from British Burmah, but not holding passports under Article IV, shall be investigated and decided by the ordinary local Courts.

VI. Siamese subjects in British Burmah having claims against each other may apply to the Deputy Commissioner of the district in which they may happen to be to arbitrate between them. Such Deputy Commissioner shall use his good offices to effect an amicable settlement of the dispute, and if both parties have agreed to his arbitration his award shall be final and binding on them. Similarly British subjects in Chiangmai, Lakon, and Lampoonchi having claims against each other may apply to any of the Judges at Chiangmai appointed under Article V, who shall use his good offices to effect an amicable settlement of the dispute, and if both parties have agreed to his arbitration his award shall be final and binding on them.

VII. Native Indian subjects of Her Britannic Majesty entering Chiangmai, Lakon, and Lampoonchi from British Burmah, who are not provided with passports under Article IV, shall be liable to the local Courts and the local law for offences committed by them in Siamese territories. Native Indian subjects as aforesaid, who are provided with passports under Article IV, shall be dealt with for such offences by the British Consul at Bangkok, or by the British officer in the Yoonzaleen district, according to British law.

VIII. The Siamese authorities in Chiangmai, Lakon, and Lampoonchi, and the British authorities in the Yoonzaleen district, will at all times use their best endeavours to procure and furnish to the

Courts in the Yoonzaleen district and the Consular Court at Bangkok and to the Court at Chiangmai respectively such evidence and witnesses as may be required for the determination of civil and criminal cases pending in these Courts.

IX. In cases tried by the British officer of the Yoonzaleen district, or by the Judges at Chiangmai appointed under Article V, in which Siamese or British subjects may respectively be interested, the Siamese or British authorities may respectively depute an officer to attend and listen to the investigation of the case, and copies of the proceedings will be furnished gratis to the Siamese or British authorities respectively, if required.

X. British subjects provided with passports under Article IV, who desire to purchase, cut, or girdle timber in the forests of Chiangmai, Lakon, and Lampoonchi, must enter into a written agreement for a definite period with the owner of the forest. Such agreement must be executed in duplicate, each party retaining a copy, and each copy must be sealed by one of the Siamese Judges at Chiangmai appointed under Article V, and by the Prince of Chiangmai. A copy of every such agreement shall be furnished by the Judge at Chiangmai to the British officer in the Yoonzaleen district. Any British subject cutting or girdling trees in any forest without the consent of the owner of the forest obtained as aforesaid, or after the expiry of the agreement relating thereto, shall, if provided with a passport, be liable to pay such compensation to the owner of the forest as the British Consul at Bangkok or the officer of the Yoonzaleen district may deem reasonable; if unprovided with a passport, he may be dealt with by the local Courts according to the law of the country.

XI. The Judges at Chiangmai appointed under Article V, and the Prince of Chiangmai, shall endeavour to prevent owners of forests from executing agreements with more than one party for the same timber or forest, and to prevent any person from improperly marking or effacing the marks on timber which has been lawfully cut or marked by another person, and shall give such facilities as are in their power to purchasers and fellers of timber to identify their property. If the owners of forests prohibit the cutting, girdling, or removing of timber under agreements duly executed in accordance with Article X, the Judges at Chiangmai appointed under Article V, and the Prince of Chiangmai, shall enforce the agreements, and the owners of such forests acting as aforesaid shall be liable to pay such compensation to the persons with whom they have entered into such agreements as the Judges at Chiangmai appointed as aforesaid may deem reasonable.

XII. British subjects entering Siamese territory from British

Burmah must, according to custom and the regulations of the country, pay the duties lawfully prescribed on goods liable to such duty.

Siamese subjects entering British territory must, according to the regulations of the British Government, pay the duties lawfully prescribed on goods liable to such duty.

XIII. The British officer of the Yoonzaleen district may, subject to the conditions of this Treaty, exercise all or any of the powers that may be exercised by a British Consul under the Treaty concluded between Her Majesty the Queen of England and His Majesty the King of Siam on the 18th April, 1855, and the supplementary Agreement concluded between certain Royal Commissioners on the part of the Siamese Government and a Commissioner on the part of the British Government on the 13th May, 1856.

XIV. Except as and to the extent herein specially provided, nothing in this Treaty shall be taken to affect the provisions of any Treaty or other Agreement now in force between the British and Siamese Governments.

XV. After the lapse of 7 years from the date on which this Treaty shall come into force, and on 12 months' notice given by either party, this Treaty shall be subject to revision by Commissioners appointed on both sides for this purpose, who shall be empowered to decide on and adopt such amendments as experience shall prove to be desirable.

XVI. This Treaty has been executed in English and Siamese, both versions having the same meaning; but as the British Plenipotentiary has no knowledge of the Siamese language, it is hereby agreed that in the event of any question of construction arising on this Treaty, the English text shall be accepted as conveying in every respect its true meaning and intention.

XVII. The ratification of this Treaty by his Excellency the Viceroy and Governor-General of India having been communicated to the Siamese Plenipotentiaries, this Treaty shall be ratified by His Majesty the King of Siam, and such ratification shall be transmitted to the Secretary to the Government of India in the Foreign Department at Calcutta within 4 months, or sooner if possible.

The Treaty having been so ratified shall come into force on the 1st January, A.D. 1875, corresponding with the first day of the third Siamese moon in the year of Choh 1236 of the Siamese era, or on such earlier date as may be separately agreed upon.

In witness whereof the respective Plenipotentiaries have signed in duplicate in English and Siamese the present Treaty, and have affixed thereto their respective seals.

Done at Calcutta this 14th day of January, in the year 1874 of the Christian era, corresponding to the twelfth day of the second

month of the twelfth waning moon of the year of Raka 1235 of the Siamese era.

(L.S.) C. U. AITCHISON, *Plenipotentiary on behalf of the Viceroy and Governor-General of India.*

(L.S.) (Signature of first Siamese Envoy.)

(L.S.) (Signature of second Siamese Envoy.)

RATIFICATION.

WHEREAS a Treaty for promoting commercial intercourse between British Burmah and the adjoining territories of Chiangmai, Lakon, and Lampoonchi, belonging to Siam, and for other purposes set forth in the said Treaty, was agreed upon and concluded at Calcutta on the 14th day of January, in the year of Our Lord 1874, by the respective Plenipotentiaries of the Government of India and the Siamese Government, duly accredited and empowered for that purpose: I, the Right Honourable Thomas George Baring, Baron Northbrook of Stratton, &c., &c., Viceroy and Governor-General of India, do hereby ratify and confirm the Treaty aforesaid.

Given under my hand and seal at Government House, in Calcutta, this 14th day of January, in the year of Our Lord 1874.

NORTHBROOK.

ADDITIONAL POSTAL CONVENTION *between Great Britain and Spain.—Signed at Madrid, November 25, 1875.*

ADDITIONAL CONVENTION between the Post Office of the United Kingdom of Great Britain and Ireland and the Post Office of Spain.

THE Director-General of Posts and Telegraphs of Spain on the one part, and the Special Delegate of the Postmaster-General of the United Kingdom of Great Britain and Ireland, named for that purpose, on the other part:

With reference to Article XXII of the Postal Convention concluded between Spain and the United Kingdom of Great Britain and Ireland on the 21st May, 1858,* by which the Spanish Post Office and the British Post Office have power by mutual consent to modify the whole of the arrangements agreed upon in the said Convention, and to add or stipulate any measure which may extend it, to the advantage of both countries;

Seeing that Gibraltar is about to be considered as belonging to

the General Postal Union, and that the conditions of the Union would affect prejudicially the special relations at present existing between Spain and Gibraltar, and desiring, on the contrary, to facilitate those relations in accordance with the rights of each country, have determined to exercise the before-named power, and have agreed upon the following Articles:—

ART. I. There shall be a periodical and regular exchange between Spain and Gibraltar of—

1. Ordinary letters.
2. Registered letters and other registered articles ;
3. Post cards ;
4. Newspapers, books, periodicals, and printed papers ;
5. Patterns of merchandize ;
6. Commercial and legal documents, and proofs of printing with manuscript corrections.

II. The exchange of correspondence mentioned in the preceding Article shall take place daily, and shall be made between the Post Offices of Algeciras and Gibraltar.

III. The cost of conveying the mails between Gibraltar and the Spanish Office of Exchange, whether at Algeciras or any other town which circumstances may hereafter make a more convenient point of exchange, shall be defrayed wholly by the British Post Office.

IV. Prepayment of postage on every description of article exchanged between Spain and Gibraltar shall be obligatory, and effected by Spanish postage stamps on correspondence posted in Spain, and by British postage stamps on that posted in Gibraltar.

But notwithstanding the stipulation of the preceding paragraph, letters insufficiently paid shall be forwarded to destination, taxed on delivery with a postage of 25 centimos of a peseta for each single rate in Spain, and $2\frac{1}{2}$ *l.* in Gibraltar, the insufficient stamps counting for nothing.

V. The postage of ordinary letters exchanged between Spain and Gibraltar shall be as follows:—

1. In Spain, for every 15 grammes or fraction of 15 grammes, 10 centimos of a peseta ;
2. In Gibraltar, for every half ounce, or fraction of half an ounce, 1*l.*

VI. Post cards shall be chargeable with half the rate of a single letter.

VII. The Spanish Post Office and the British Post Office shall have the right to fix, in Spain and Gibraltar respectively, the postage on patterns of merchandize, newspapers, stitched or bound books, pamphlets, catalogues, prospectuses, music, visiting cards, announcements and notices of various kinds, whether printed, engraved, or lithographed ; as well as on maps, drawings, lithographs, photo-

graphs, commercial and legal documents, and proofs of printing with manuscript corrections.

The maximum weight of packets containing articles mentioned in the preceding paragraph is fixed at 250 grammes, or half a pound, for patterns of merchandize ; and at 1,000 grammes, or two pounds, for all the other articles.

There is reserved to the British and Spanish Post Offices the right to refuse to convey or to deliver articles specified in the present Article, with regard to which the laws, orders, and decrees which regulate the conditions of their publication and circulation have not been observed.

VIII. Letters and the articles specified in Article VII may be registered.

Registered articles shall be charged, in addition to the ordinary postage, with a fixed and uniform registration fee to be established by the British and Spanish Post Offices respectively.

This fee, as well as that for the acknowledgment of receipt of registered articles, shall not exceed those charged in the inland service of the country from which the registered articles proceed.

IX. The articles specified in Article VII, in order to be entitled to the reduced rate of postage therein stipulated, must be inclosed in envelopes easily removable and admitting of an examination of their contents, and must contain no figures, marks, or writing other than the name and address of the person for whom they are intended. Patterns of merchandize, besides observing the above-named conditions, must not possess any intrinsic value, but they may contain, in addition to the name and address of the person for whom they are intended, a manufacturer's or trade mark, numbers, and prices.

The articles specified in Article VII shall not be forwarded unless they have complied with the before-named conditions and been fully prepaid to destination.

X. There shall not be admitted for exchange by post between Spain and Gibraltar any letter or other packet which may contain either gold or silver money, jewellery, or precious articles, or any other article whatever liable to Customs duties.

XI. Official correspondence relative to the Postal Service is exempt from postage. With this exception no franking or reduction of postage is allowed.

XII. Each office shall keep the whole of the sums it collects by virtue of the foregoing Articles, IV, V, VI, VI, and VIII. Consequently, on this head there will be no necessity for any accounts between Spain and Gibraltar.

Neither the senders nor the addressees of letters and other postal packets shall be called upon to pay any tax or duty other than those prescribed by the before-mentioned Articles.

XIII. The Balearic Islands, the Canary Islands, the Spanish Possessions on the Northern coast of Africa, and the Postal Establishments of Spain upon the Western coast of Morocco, shall be considered, for the purposes of this Convention, as forming part of Spain.

XIV. The Post Office of Gibraltar shall deliver to and receive from the Spanish Office of Exchange, without any charge, the correspondence or closed mails conveyed to or from Gibraltar by vessels belonging to mercantile companies with which Spain may have made special agreements for the conveyance of correspondence to or from Transatlantic ports.

XV. Every mail exchanged between the offices of Algeciras and Gibraltar shall be accompanied by a letter bill, in conformity with the specimen annexed to the present Convention.

No mention shall be made in the letter bill of ordinary correspondence, paid or unpaid, exchanged between Spain or any of the countries of the General Postal Union, sent by way of Spain and Gibraltar.

As regards other correspondence there shall be entered :

1. Under Table I, the total amount of the foreign postage due on the unpaid correspondence and the amount of the claim on the correspondence re-transmitted, for which credit will have to be given to the despatching office.

2. Under Table II, the total amount of postage to be credited to the British Office for correspondence sent *à découvert* by British mail-packets between Spain and the ports of British India, China, Japan, or Australia.

The postage or claim to be entered in Table I shall be indicated upon each article in *blue* ink or pencil, at the lower left-hand corner of the address.

The postage to be brought to account in Table II shall be entered on each article in *red* ink or pencil, on the lower left-hand corner of the address.

In Table III shall be entered, with such details as the Table requires, the closed mails in transit between Spain and the Philippines.

The registered correspondence shall be entered in Table No. IV of the letter bill, with the following details :—The name of the Office of origin ; the name of the addressee, and the place of destination ; the amount of the foreign registration fees to be credited to the Office of destination.

XVI. The Spanish Post Office shall pay to the British Post Office for the sea conveyance by British mail-packets between Gibraltar and Singapore of closed mails between Spain and the Philippines, the following sums :—

1 franc 26 centimes per 30 grammes for letters ;

1 franc per kilogramme for printed papers.

XVII. The transit rates to which Spain is entitled for the correspondence exchanged by way of Spain between Gibraltar and other countries, whether in closed mails or *à découvert*, shall be those stipulated in the General Postal Union Treaty of Berne of the 9th October, 1874.*

XVIII. The transmission of registered articles, as well as the conditions of their admission into the Post Offices, the making up of mails, and the verification of their contents, and, in short, all the details and operations relating to the exchange of mails between Spain and Gibraltar, shall be in entire conformity with the detailed Regulation for the execution of the General Postal Union Treaty of Berne of 9th October, 1874.†

XIX. The present Convention shall be considered additional to that concluded between Spain and the United Kingdom of Great Britain and Ireland on the 21st May, 1858, and shall come into full and complete operation on the 1st January, 1876.

Done in duplicate and signed in Madrid on the 25th day of November, 1875.

EDMUND CRESWELL, *the Special Delegate of the
Postmaster-General of Great Britain and
Ireland.*

G. CRUZADA, *the Director-General of Posts and
Telegraphs of Spain.*

* Vol. LXV. Page 13.

† Vol. LXV. Page 23.

Administration des Postes
d _____.Correspondance avec l'Office
de Gibraltar.

A.

FEUILLE D'AVIS.

(Timbre du
Bureau
Expéditeur.)Dépêche du Bureau d'Échange _____ d _____
par le Bureau d'Échange _____ d _____.
Départ du _____, 187__, à ___ h. ___ m. du _____.
Arrivé le _____, 187__, à ___ h. ___ m. du _____.

I. AVOIR DE L'OFFICE D'ESPAGNE.

| | Fr. | cts. |
|---|-----|------|
| DÉBOURS : | | |
| (Port Étranger, taxe des Correspondances réexpé- diées) | | |

II. AVOIR DE L'OFFICE DE LA GRANDE
BRETAGNE.

| | Fr. | cts. |
|--|-----|------|
| ART. I.—Lettres affranchies . | | |
| Bonifications { a. Objets ordi- naires .. | | |
| (Taxes, &c.) { b. Objets re- commandées | | |
| ART. II.—Imprimés de toute nature | | |

(Timbre du Bureau
Expéditeur.)(Timbre du Bureau
Destinataire.)

IV. ENVOIS RECOMMANDÉS.

| Nos. d'Ordre. 1. | Timbre d'Origine. 2. | Noms des Destinataires et Lieux de Destination. 3. | À bonifier à l'Office de la Grande Bretagne. | | | | Observations. 6. |
|---------------------|----------------------------|--|---|------|--|------|---------------------|
| | | | Port Étranger. 4. | | Droit de Recommenda- tion. 5. | | |
| | | | Fr. | cts. | Fr. | cts. | |
| 1 | | | | | | | |
| 2 | | | | | | | |
| 3 | | | | | | | |
| 4 | | | | | | | |
| 5 | | | | | | | |
| 6 | | | | | | | |
| 7 | | | | | | | |
| 8 | | | | | | | |
| 9 | | | | | | | |
| 10 | | | | | | | |

III. DÉPÊCHES CLOSES.

| Bureau d'Origine. | Bureau de Destination. | Nombre des Dépêches Closes. | Observations. |
|-------------------|------------------------|-----------------------------|---------------|
| 1. | 2. | 3. | 4. |
| | | | |

| Nos. d'Ordre. | Timbre d'Origine. | Noms des Destinataires et Lieux de Destination. | À bonifier à l'Office de la Grande Bretagne. | | | | Observa- tions. |
|------------------|----------------------|---|---|------|----------------------------------|------|--------------------|
| | | | Port Étranger. | | Droit de Recommanda- tion. | | |
| 1. | 2. | 3. | 4. | | 5. | | 6. |
| | | | Fr. | cts. | Fr. | cts. | |
| 11 | | | | | | | |
| 12 | | | | | | | |
| 13 | | | | | | | |
| 14 | | | | | | | |
| 15 | | | | | | | |
| &c. | | | | | | | |
| | | Totaux .. | | | | | |
| | | Total Général, à re- porter au Tableau No. } II, lit. b } | | | | | |
| | | | | | | | |

L'Employé du Bureau d'Échange
expéditeur :

L'Employé du Bureau d'Échange
destinataire :

BRITISH ORDER IN COUNCIL, approving a Canadian Act for imposing a Duty on Foreign Reprints of British Copyright Works.—Windsor, July 7, 1868.*

At the Court at Windsor, the 7th day of July, 1868.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the Session of Parliament holden in the 10th and 11th years of Her present Majesty, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom," it is amongst other things enacted that, in case the Legislature or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the Rights of British authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom and entitled to copyright therein, shall be suspended so far as regards such Colony; and thereupon such Act or Ordinance shall come into operation except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council. And whereas by an Act passed by Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works," due provision has been made for securing and protecting the rights of British authors in Canada. And whereas the said Act as aforesaid has been laid before Her Majesty in Council, and it is expedient that the said Act should be approved of by Her Majesty as aforesaid:

Now, therefore, Her Majesty, in pursuance of the said Act, and in exercise of the powers thereby given to Her Majesty as afore-

said, doth by this present Order, by and with the advice of Her Majesty's Privy Council, declare Her approval of the said Act of the Dominion of Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

BRITISH ORDER IN COUNCIL, suspending in Canada the Operation of the Imperial Acts relating to Copyright so long as the Order in Council of July 7, 1868, remains in force.—Windsor, July 7, 1868.*

At the Court at Windsor, the 7th day of July, 1868.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act passed in the Session of Parliament holden in the 10th and 11th years of Her present Majesty, intituled "An Act to amend the Law relating to the Protection in the Colonies of Works entitled to Copyright in the United Kingdom,"† it is amongst other things enacted that, in case the Legislature or proper Legislative Authorities in any British Possession shall be disposed to make due provision for securing or protecting the rights of British authors in such Possession, and shall pass an Act or make an Ordinance for that purpose, and shall transmit the same in the proper manner to the Secretary of State, in order that it may be submitted to Her Majesty, and in case Her Majesty shall be of opinion that such Act or Ordinance is sufficient for the purpose of securing to British authors reasonable protection within such Possession, it shall be lawful for Her Majesty, if she think fit so to do, to express Her Royal approval of such Act or Ordinance, and thereupon to issue an Order in Council declaring that so long as the provisions of such Act or Ordinance continue in force within such Colony, the prohibitions contained in certain Acts thereinbefore recited, and any prohibitions contained in the said Acts or in any other Acts against the importing, selling, letting out to hire, or exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards such Colony; and thereupon such Act or Ordinance shall come into operation, except so far as may be otherwise provided therein, or as may be otherwise directed by such Order in Council. And whereas

* Page 549.

† Vol. XXXV. Page 1197.

by an Act passed by Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, intituled "An Act to impose a Duty on Foreign Reprints of British Copyright Works,"* due provision has been made for securing and protecting the rights of British authors in Canada, and Her Majesty has been pleased to express Her Royal approval of such Act:

Now, therefore, Her Majesty in Council, by and with the advice of Her said Council, doth order and direct that, so long as the provisions of the said last-mentioned Act continue in force within Canada aforesaid, the prohibitions contained in certain Acts recited in the hereinbefore-mentioned Act of the Imperial Parliament, and any prohibition contained in the said recited Acts or in any other Acts against the importing, selling, letting out to hire, exposing for sale or hire, or possessing foreign reprints of books first composed, written, printed, or published in the United Kingdom, and entitled to copyright therein, shall be suspended so far as regards Canada.

And the Most Noble the Duke of Buckingham and Chandos, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

EDMUND HARRISON.

BRITISH ORDER IN COUNCIL, for carrying into effect the Treaty between Great Britain and Switzerland of March 31, 1874, for the mutual Extradition of Fugitive Criminals.—Osborne, February 4, 1875.†

At the Court at Osborne House, Isle of Wight, the 4th day of February, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the Session of Parliament holden in the 33rd and 34th years of the reign of Her present Majesty [cap. 52],‡ intituled "An Act for amending the Law relating to the Extradition of Criminals," it was, among other things, enacted that, where an arrangement has been made with any foreign State with respect to the surrender to such State of any fugitive criminals, Her Majesty may, by Order in Council, direct that the said Act shall apply in the case of such foreign State; and that Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and restrict the

* May 22, 1868. Vol. LXV. Page 1199.

† "London Gazette," February 19, 1875.

‡ Vol. LX. Page 145.

same to fugitive criminals who are in, or suspected of being in, the part of Her Majesty's dominions specified in the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient:

And whereas a Treaty was concluded on the 31st day of March last between Her Majesty and the Swiss Confederation for the mutual extradition of fugitive criminals, which Treaty is in the terms following:—

[Here follows the Treaty. See Vol. LXV. Page 78.]

And whereas a Protocol amending Article XVI of the aforesaid Treaty was signed by the Plenipotentiaries of Her Majesty and of the Swiss Confederation on the 28th day of November, 1874, which Protocol is in the following terms:—

[See Vol. LXV. Page 82.]

And whereas the ratifications of the said Treaty and Protocol were exchanged at Berne on the 31st day of December last:

Now, therefore, Her Majesty, with the advice of Her Privy Council, and in virtue of the authority committed to Her by the said recited Act, doth order, and it is hereby ordered, that from and after the 1st day of March, 1875, the said Act shall apply in the case of said Treaty and Protocol with the Swiss Confederation.

ARTHUR HELPS.

*REGULATIONS between Great Britain and the Netherlands for the conduct of Telegraphic Correspondence between the two Countries.—Signed at The Hague, December 19, 1870.**

THE Undersigned, his Excellency Mr. Peter Philip van Bosse, His Netherland Majesty's Minister of Finance, and Vice-Admiral the Honourable Edward Alfred John Harris, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of the Hague, duly authorized by their respective Governments, have agreed upon the following Regulations for the conduct of telegraphic correspondence between the two countries, in substitution for the regulations contained in the concession granted on the 10th of July, 1858, by the Netherland Government to the International Telegraph Company, who have made over their lines and other property to the British Government:—

ART. I. The submarine cables between the Netherlands and

* Signed also in the Dutch language.

Great Britain shall continue to be used for international correspondence between the Netherlands and Great Britain, and the British Government engages to maintain those cables in good order.

II. The Netherland Government undertakes to maintain, renew, and pay all expenses necessary for the proper working of the land-line, which starts from the point where the cables end on the Dutch coast to the Telegraph Office at Amsterdam, on condition that the line and all materials and instruments belonging to it shall be handed over to the Netherland Government, who shall be empowered to make what further use they may think fit of the line, provided such further use shall in no way affect the working of the wires connected with the cables.

III. To facilitate the examination and repair of its cables, when necessary, the Netherland Government shall place at the disposal of the British Government the hut, provided with all necessary instruments and apparatus, situated on the spot where the cables end and the land-line commences on the Netherland coast. The officers charged with the examination and repair of the cables shall arrange with the telegraph officials of the Netherland Government for the use of the hut in question.

IV.* [The Contracting Governments will adopt for their international telegraphic correspondence the regulations of the Paris Convention of the 17th May, 1865, as revised at Vienna on the 21st July, 1868.]

V. The Contracting Governments engage to introduce for the submarine telegraph service between the two Kingdoms all recognized improvements in apparatus and instruments.

VI.* [For telegrams exchanged between Great Britain and the Netherlands, the interior Netherland Tariff shall be charged for transmission over the Netherland lines; and a cable tariff of 1 guilder 90 cents, Dutch currency, for 20 words or less, shall be charged for telegrams to London, and 2 guilders 50 cents for a similar telegram to any other station in the United Kingdom.]

VII. The British Government reserves the right to continue to lease the cables to the Submarine Telegraph Company, or to any other company or person.

VIII. In the case referred to in the preceding Article, the service of the international lines shall be regulated by arrangement between the party or the managing official of the company to whom the lines are leased and the chief of the Netherland telegraphic administration. The regulation of the accounts shall also take place between the same parties.

IX. The British Government undertakes to give 3 months'

* Cancelled by Agreement signed at the Hague, March 7, 1879.

notice in the event of its intending to lease the cables to any other party or parties.

X. The Netherland and British Governments respectively agree not to accord a concession for the establishment and working of a new line of submarine cable between the two countries, except by mutual consent.

XI. The present Agreement shall remain in force for 25 years from the date upon which it shall come into operation, and may be cancelled at any time after that period, upon the expiration of 12 months' notice from either Government.

XII. This Agreement shall come into operation on the 1st of January, 1871.

In witness whereof the Undersigned have signed the present Articles, and have affixed thereto the seal of their arms.

Done at The Hague, the 19th day of December, in the year of Our Lord, 1870.

(L.S.) E. A. J. HARRIS.

(L.S.) VAN BOSSE.

AWARD of the President of the French Republic, on the Claims of Great Britain and Portugal to certain Territories formerly belonging to the Kings of Tembe and Mapoota, on the Eastern Coast of Africa, including the Islands of Inyack and Elephant. [Delagoa Bay or Lorenzo Marques].—Versailles, July 24, 1875.

NOUS, Marie Edme Patrice Maurice de MacMahon, Duc de Magenta, Maréchal de France, Président de la République Française, statuant en vertu des pouvoirs qui ont été conférés au Président de la République Française aux termes du Protocole signé à Lisbonne, le 25 Septembre, 1872,* par lequel le Gouvernement de Sa Majesté la Reine de la Grande Bretagne et d'Irlande et celui de Sa Majesté le Roi de Portugal sont convenus de déférer au Président de la République Française, pour être réglé par lui définitivement et sans appel, le litige qui est pendant entre eux depuis l'année 1823, au sujet de la possession des territoires de Tembe et de Maputo et des Iles d'Inyack et des Éléphants, situés sur la Baie de Delagoa ou Lorenzo Marquez, à la Côte Orientale d'Afrique ;

Vu les mémoires remis à l'Arbitre par les représentants des deux parties, le 15 Septembre, 1873, et les contre-mémoires également remis par eux, les 14 et 15 Septembre, 1874 ;

Vu les lettres de son Excellence M. l'Ambassadeur d'Angleterre et de M. le Ministre de Portugal à Paris, en date du 8 Février, 1875 ;

La Commission instituée, le 10 Mars, 1873, à l'effet d'étudier les pièces et documents respectivement produits, nous ayant fait part du résultat de son examen ;

Attendu que le litige, tel que l'objet en a été déterminé par les mémoires présentés à l'Arbitre et, en dernier lieu, par les lettres ci-dessus citées des représentants à Paris des deux parties, porte sur le droit aux territoires suivants, savoir :—

1. Le territoire de Tembe, borné au nord par le Fleuve Espirito Santo ou English River, et par la Rivière Lorenzo Marquez ou Dundas, à l'ouest par les Monts Lebombo, au sud et à l'est par le Fleuve Maputo, et de l'embouchure de ce fleuve jusqu'à celle de l'Espirito Santo par le rivage de la Baie de Delagoa ou Lorenzo Marquez ;

2. Le territoire de Maputo, dans lequel sont comprises la presqu'île et l'île d'Inyack, ainsi que l'île des Éléphants, et qui est borné au nord par le rivage de la baie, à l'ouest par le Fleuve Maputo, de son embouchure, jusqu'au parallèle de 26° 30' de latitude australe, au sud par ce même parallèle, et à l'est par la mer :

Attendu que la Baie de Delagoa ou Lorenzo Marquez a été découverte au 16ème siècle par les navigateurs Portugais, et qu'au 17ème et 18ème le Portugal a occupé divers points sur la côte nord de cette baie et à l'île d'Inyack dont l'îlot des Éléphants est une dépendance ;

Attendu que, depuis la découverte, le Portugal a, en tout temps, revendiqué des droits de souveraineté sur la totalité de la baie et des territoires riverains, ainsi que le droit exclusif d'y faire le commerce ; que, de plus, il a appuyé à main armée cette revendication contre les Hollandais vers 1732, et contre les Autrichiens en 1781 ;

Attendu que les actes par lesquels le Portugal a appuyé ses prétentions n'ont soulevé aucune réclamation de la part du Gouvernement des Provinces Unies ; qu'en 1782 ces prétentions ont été tacitement acceptées par l'Autriche, à la suite d'explications diplomatiques échangées entre cette Puissance et le Portugal ;

Attendu qu'en 1817 l'Angleterre elle-même n'a pas contesté le droit du Portugal, lorsqu'elle a conclu avec le Gouvernement de Sa Majesté Très-Fidèle la Convention du 28 Juillet pour la répression de la traite ;* qu'en effet, l'Article 2ème de cette Convention doit être interprété en ce sens qu'il désigne comme faisant partie des possessions de la Couronne de Portugal la totalité de la baie, à laquelle s'applique indifféremment l'une ou l'autre des dénominations de Delagoa ou de Lorenzo Marquez ;

Attendu qu'en 1822 le Gouvernement de Sa Majesté Britannique, lorsqu'il chargea le Capitaine Owen de la reconnaissance hydrographique de la Baie de Delagoa et des rivières qui y ont leur embouchure, l'avait recommandé aux bons offices du Gouvernement Portugais ;

Attendu que si l'affaiblissement accidentel de l'autorité Portugaise dans ces parages a pu, en 1823, induire en erreur le Capitaine Owen et lui faire considérer de bonne foi comme réellement indépendants de la Couronne de Portugal les chefs indigènes des territoires aujourd'hui contestés, les actes par lui conclus avec ces chefs n'en étaient pas moins contraires aux droits du Portugal ;

Attendu que, presque aussitôt après le départ des bâtiments Anglais, les chefs indigènes de Tembe et de Maputo ont de nouveau reconnu leur dépendance vis-à-vis des autorités Portugaises, attestant ainsi eux-mêmes qu'ils n'avaient pas eu la capacité de contracter ;

Attendu que les Conventions signées par le Capitaine Owen et les chefs indigènes du Tembe et du Maputo, alors même qu'elles auraient été passées entre parties aptes à contracter, seraient aujourd'hui sans effet, l'acte relatif au Tembe stipulant des conditions essentielles qui n'ont pas reçu d'exécution, et les actes concernant le Maputo, conclus pour des périodes de temps déterminées, n'ayant point été renouvelés après l'expiration de ces délais ;

Par ces motifs nous avons jugé et décidé que les prétentions du Gouvernement de Sa Majesté Très-Fidèle sur les territoires de Tembe et de Maputo, sur la presqu'île d'Inyack, sur les îles d'Inyack et des Éléphants, sont dûment prouvées et établies.

Versailles, le 24 Juillet, 1875.

MAL. DE MACMAHON, *Duc de Magenta*.

*BRITISH ORDER IN COUNCIL, relative to Copyright in
Dramatic Pieces.—Osborne, August 5, 1875.*

At the Court at Osborne House, Isle of Wight, the 5th day of
August, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS a Convention between Great Britain and France for the establishment of International Copyright was concluded at Paris on the 3rd of November, 1851,* and whereas an Order in Council was passed on the 10th day of January, 1852,† to give effect to that Convention: and whereas an Act was passed in the 15th year of the

* Vol. XL. Page 27.

† Vol. XLI. Page 664.

reign of Her present Majesty, chapter 12,* intituled “An Act to enable Her Majesty to carry into effect a Convention with France on the subject of Copyright; to extend and explain the International Copyright Acts; and to explain the Acts relating to Copyright in Engravings:” and whereas it has been considered expedient to alter and amend the 6th section of the above-recited Act, which section is as follows:—“Nothing in the said Act contained shall be so construed as to prevent fair imitations or adaptations to the English stage of any dramatic piece or musical composition published in any foreign country:” and whereas such section has been altered and amended by an Act passed during the present year of the reign of Her Majesty, chapter 12,† intituled “An Act to amend the Law relating to International Copyright:”

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, and by virtue of the authority committed to Her by the last-recited Act, doth order, and it is hereby ordered, that from and after the day next after the day of the publication hereof in the “London Gazette,” the 6th section of the first above-recited Act shall not apply to the dramatic pieces to which protection is extended by the Order in Council of the 10th of January, 1852; and the said recited Act shall take effect with respect to such dramatic pieces and to the translations thereof as if the said 6th section of the said Act were repealed.

And the Right Honourable the Lords Commissioners of Her Majesty’s Treasury are to give the necessary directions herein accordingly.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, extending the British System of Tonnage Measurement to Spanish Vessels.—Windsor, March 17, 1875.

At the Court at Windsor, the 17th day of March, 1875.

PRESENT: THE QUEEN’S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by “The Merchant Shipping Act Amendment Act, 1862,”‡ it is enacted, that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships, for the time being in force under the principal Act, have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of

* Vol. XLI. Page 675.

† Page 231,

‡ 25 & 26 Vict., c. 63, § 60.

registry or other national papers, and thereupon it shall no longer be necessary for such ships to be re-measured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships :

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"* have been adopted by the Government of His Majesty the King of Spain, with the exception of a difference in the mode in certain steamers of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 2nd day of December, 1874 :

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows :—

1. As regards sailing-ships : that merchant sailing-ships to Spain, the measurement whereof, after the said 2nd day of December, 1874, has been ascertained and denoted in the registers and other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.

2. As regards steam-ships : that merchant-ships belonging to Spain which are propelled by steam, or any other power requiring engine-room, the measurement whereof shall, after the said 2nd day of December, 1874, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships ; provided, nevertheless, that if the owner or master of any such Spanish steam-ship desires the deduction for engine-room in his ships to be estimated under the rules for engine-room, measurement, and deduction applicable to British ships instead of under the Spanish rule, the engine-room shall be measured and the deduction calculated according to the British rules.

EDMUND HARRISON.

BRITISH ORDER IN COUNCIL, delaying until January 1, 1876, the extension of the British System of Tonnage Measurement to Spanish Vessels.—Osborne, August 5, 1875.

At the Court at Osborne House, Isle of Wight, the 5th day of August, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Order in Council dated the 17th day of March, 1875,* Her Majesty, acting in exercise of the powers conferred upon Her by "The Merchant Shipping Act Amendment Act, 1862,"† was pleased to make certain regulations as to the measurement of merchant-ships of the Kingdom of Spain, the ascertainment of the tonnage thereof, and otherwise incident thereto:

And whereas it has been made to appear to Her Majesty that it is expedient that the operation of the said recited Order in Council should be suspended until the 1st day of January, 1876:

Now, therefore, Her Majesty, by and with the advice of Her Privy Council, is hereby pleased to direct that the operation of the said recited Order of the 17th day of March, 1875, shall be, and the same is hereby, suspended until the 1st day of January, 1876, when the same shall come into operation.

C. L. PEEL.

BRITISH ORDER IN COUNCIL, extending the System of British Tonnage Measurement to Netherland Vessels.—Balmoral, October 26, 1875.

At the Court at Balmoral, the 26th day of October, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by "The Merchant Shipping Act Amendment Act, 1862,"† it is enacted that, whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under the principal Act have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers, and thereupon it shall be no longer necessary for such ships to be re-measured in any port or place in

* Page 557.

† 25 & 26 Vict., c. 63, § 60.

Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now in force under "The Merchant Shipping Act, 1854,"* have been adopted by the Government of His Majesty the King of the Netherlands with the exception of a difference in the mode in certain steamers of estimating the allowance for engine-room, and such rules are now in force in that country, having come into operation on the 1st day of January, 1876:

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct as follows:—

1. As regards sailing-ships: that merchant sailing-ships of the said Kingdom of the Netherlands, the measurement whereof, after the said 1st day of January, 1876, has been ascertained and denoted in the registers and other national papers of such sailing-ships, testified by the date thereof, shall be deemed to be of the tonnage denoted in such registers and other national papers, in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British sailing-ships is deemed to be the tonnage of such ships.

2. As regards steam-ships: that merchant-ships belonging to the said Kingdom of the Netherlands which are propelled by steam or any other power requiring engine-room, the measurement whereof shall, after the said 1st day of January, 1876, have been ascertained and denoted in the registers and other national papers of such steam-ships, testified by the dates thereof, shall be deemed to be of the tonnage denoted in such registers or other national papers, in the same manner, and to the same extent, and for the same purpose in, to, and for which the tonnage denoted in the certificate of registry of British ships is deemed to be the tonnage of such ships: Provided, nevertheless, that if the owner or master of any Dutch steam-ship desires the deduction for engine-room in his ships to be estimated under the rules for engine-room, measurement, and deduction applicable to British ships instead of under the Dutch rule, the engine-room shall be measured and the deduction calculated according to the British rules.

EDMUND HARRISON.

ADDITIONAL POSTAL CONVENTION between the United States of America and the Government of New South Wales.
—Signed at Sydney, June 1, 1875, and at Washington, July 20, 1875.

AMENDED ARTICLE to replace Article III of the Postal Convention between the United States of America and the Government of New South Wales, signed at Washington, the 15th day of January, A.D. 1874.*

The Undersigned, being thereunto duly authorized by their respective Governments, have agreed to replace Article III of the Postal Convention of 15th January, 1874, by the following Article:—

ART. III. No accounts shall be kept between the Post Departments of the two countries upon the international correspondence, written or printed, exchanged between them, but each country shall retain to its own use the postage which it collects.

The single rate of international letter postage shall be 12 cents in the United States, and 6*d.* in New South Wales, on each letter weighing half an ounce or less, and an additional rate of 12 cents (6*d.*) for each single weight of half an ounce or fraction thereof, which shall in all cases be prepaid, at least one single rate, by means of postage stamps, at the office of mailing in either country. Letters unpaid or prepaid less than one full rate of postage shall not be forwarded, but insufficiently paid letters, on which a single rate or more has been prepaid, shall be forwarded, charged with the deficient postage, to be collected and retained by the Post Department of the country of destination.

The United States Post Office shall levy and collect to its own use, on newspapers addressed to New South Wales, a postage charge of 2 cents, and on all other articles of printed matter, patterns, and samples of merchandize addressed to New South Wales, a postage charge of 4 cents per each weight of 4 ounces or fraction of 4 ounces.

The Post Office of New South Wales shall levy and collect to its own use, on newspapers and other articles of printed matter, patterns and samples of merchandize addressed to the United States, the regular rates of domestic postage chargeable thereon by the laws and regulations of the Colony of New South Wales.

Letters, newspapers, and other articles of printed matter, patterns, and samples of merchandize fully prepaid, which may be received in either country from the other, shall be delivered free of all charge whatever.

Newspapers and all other kind of printed matter, and patterns

* Vol. LXV. Page 1312.

and samples of merchandize, are to be subject to the laws and regulations of each country respectively, in regard to their liability to be rated with letter postage when containing written matter, or for any other cause specified in said laws and regulations, as well as in regard to their liability to customs duty under the revenue laws.

The provisions of this amended Article shall be carried into operation on the 1st of July, A.D. 1875.

Done in duplicate and signed at Sydney, the 1st day of June, 1875, and at Washington, the 20th day of July, A.D. 1875.

(L.S.) J. F. BURNS, *Postmaster-General of New South Wales.*

(L.S.) MARSHALL JEWELL, *Postmaster-General of the United States.*

I hereby approve the foregoing amended Article, and in testimony thereof I have caused the seal of the United States to be affixed.

(L.S.) U. S. GRANT.

By the President:

HAMILTON FISH, *Secretary of State.*

Washington, July 29, 1875.

CONVENTION between the Argentine Republic, Austria-Hungary, Belgium, [Brazil,] Denmark, France, Germany, Italy, Peru, Portugal, Russia, Spain, Sweden and Norway, Switzerland, Turkey, United States, and Venezuela, respecting the creation of an International Office of Weights and Measures. —Signed at Paris, May 20, 1875.*

[Ratifications (between some of the Parties*) exchanged at Paris, December 20, 1875.]

SA Majesté le Roi des Belges, Sa Majesté l'Empereur d'Allemagne, Sa Majesté l'Empereur d'Autriche-Hongrie, Sa Majesté l'Empereur du Brésil, Son Excellence le Président de la Confédération Argentine, Sa Majesté le Roi de Danemark, Sa Majesté le Roi d'Espagne, Son Excellence le Président des États-Unis d'Amérique, Son Excellence le Président de la République Française, Sa Majesté le Roi d'Italie, Son Excellence le Président de la République du Pérou, Sa Majesté le Roi de Portugal et des Algarves, Sa Majesté l'Empereur de Toutes les Russies, Sa Majesté le Roi de Suède et de Norvège, Son Excellence le Président de la Confédération Suisse, Sa Majesté l'Empereur des Ottomans, et Son Excellence le Président

* See Procès-Verbal of December 20, 1875. Page 674.

de la République de Vénézuéla, désirant assurer l'unification internationale et le perfectionnement du système métrique, ont résolu de conclure une Convention à cet effet et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. le Baron Beyens, Grand Officier de Son Ordre de Léopold, Grand Officier de la Légion d'Honneur, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté l'Empereur d'Allemagne, Son Altesse le Prince de Hohenlohe-Schillingsfürst, Grand-Croix de l'Ordre de l'Aigle Rouge de Prusse et de l'Ordre de Saint Hubert de Bavière, &c., Son Ambassadeur Extraordinaire et Plénipotentiaire à Paris ;

Sa Majesté l'Empereur d'Autriche-Hongrie, Son Excellence M. le Comte Apponyi, Son Chambellan actuel et Conseiller intime, Chevalier de la Toison d'Or, Grand-Croix de l'Ordre Royal de Saint Étienne de Hongrie et de l'Ordre Impérial de Léopold, &c., Son Ambassadeur Extraordinaire et Plénipotentiaire à Paris ;

Sa Majesté l'Empereur du Brésil, M. Marcos-Antonio d'Araujo, Vicomte d'Itajuba, Grand de l'Empire, Membre du Conseil de Sa Majesté, Commandeur de Son Ordre du Christ, Grand Officier de la Légion d'Honneur, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Son Excellence le Président de la Confédération Argentine, M. Balcarce, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Argentine à Paris ;

Sa Majesté le Roi de Danemark, M. le Comte de Moltke-Hoifeldt, Grand-Croix de l'Ordre du Dannebrog et décoré de la Croix d'Honneur du même Ordre, Grand Officier de la Légion d'Honneur, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris ;

Sa Majesté le Roi d'Espagne, Son Excellence Don Mariano Roca de Togores, Marquis de Molins, Vicomte de Rocamora, Grand d'Espagne de première classe, Chevalier de l'Ordre Insigne de la Toison d'Or, Grand-Croix de la Légion d'Honneur, &c., Directeur de l'Académie Royale Espagnole, Son Ambassadeur Extraordinaire et Plénipotentiaire à Paris ; et M. le Général Ibanez, Grand-Croix de l'Ordre d'Isabelle la Catholique, &c., Directeur-Général de l'Institut Géographique et Statistique d'Espagne, Membre de l'Académie des Sciences ;

Son Excellence le Président des États-Unis d'Amérique, M. Elihu-Benjamin Washburne, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis à Paris ;

Son Excellence le Président de la République Française, M. le Duc Decazes, Député à l'Assemblée Nationale, Commandeur de l'Ordre de la Légion d'Honneur, &c., Ministre des Affaires

Étrangères; M. le Vicomte de Meaux, Député à l'Assemblée Nationale, Ministre de l'Agriculture et du Commerce; et M. Dumas, Secrétaire perpétuel de l'Académie, Grand-Croix de l'Ordre de la Légion d'Honneur, &c.;

Sa Majesté le Roi d'Italie, M. le Chevalier Constantin Nigra, Chevalier Grand-Croix de ses Ordres des Saints Maurice et Lazare et de la Couronne d'Italie, Grand Officier de la Légion d'Honneur, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris;

Son Excellence le Président de la République du Pérou, M. Pedro Galvez, Envoyé Extraordinaire et Ministre Plénipotentiaire du Pérou à Paris, et M. Francisco de Rivero, ancien Envoyé Extraordinaire et Ministre Plénipotentiaire du Pérou;

Sa Majesté le Roi de Portugal et des Algarves, M. José da Silva Mendes Leal, Pair du Royaume, Grand-Croix de l'Ordre de Saint Jacques, Chevalier de l'Ordre de la Tour et de l'Épée de Portugal, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris;

Sa Majesté l'Empereur de Toutes les Russies, M. Grégoire Okouneff, Chevalier des Ordres de Russie de Sainte Anne de première classe, de Saint Stanislas de première classe, de Saint Wladimir de troisième classe, Commandeur de la Légion d'Honneur, &c., Conseiller d'État actuel, Conseiller de l'Ambassade de Russie à Paris;

Sa Majesté le Roi de Suède et de Norvège, M. le Baron Adelsward, Grand-Croix des Ordres de l'Étoile Polaire de Suède et de Saint-Olaf de Norvège, Grand Officier de la Légion d'Honneur, &c., Son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris;

Son Excellence le Président de la Confédération Suisse, M. Jean-Conrad Kern, Envoyé Extraordinaire et Ministre Plénipotentiaire de la Confédération Suisse à Paris;

Sa Majesté l'Empereur des Ottomans, Husny Bey, Lieutenant-Colonel d'État-Major, décoré de la quatrième classe de l'Ordre Impérial de l'Osmanié, de la cinquième classe de l'Ordre du Medjidié, Officier de l'Ordre de la Légion d'Honneur, &c.; et

Son Excellence le Président de la République de Vénézuéla, M. le Docteur Eliseo Acosta;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, ont arrêté les dispositions suivantes: —

ART. I. Les Hautes Parties Contractantes s'engagent à fonder et entretenir, à frais communs, un Bureau International des Poids et Mesures, scientifique et permanent, dont le siège est à Paris.

II. Le Gouvernemen Français prendra les dispositions nécessaires pour faciliter l'acquisition ou, s'il y a lieu, la construction d'un bâtiment spécialement affecté à cette destination, dans les conditions déterminées par le Règlement annexé à la présente Convention.

III. Le Bureau International fonctionnera sous la direction et la surveillance exclusive d'un Comité International des Poids et Mesures, placé lui-même sous l'autorité d'une Conférence Générale des Poids et Mesures formée de délégués de tous les Gouvernements Contractants.

IV. La présidence de la Conférence Générale des Poids et Mesures est attribuée au Président en exercice de l'Académie des Sciences de Paris.

V. L'organisation du Bureau, ainsi que la composition et les attributions du Comité International et de la Conférence Générale des Poids et Mesures, sont déterminées par le Règlement annexé à la présente Convention.

VI. Le Bureau International des Poids et Mesures est chargé :

1. De toutes les comparaisons et vérifications des nouveaux prototypes du mètre et du kilogramme ;

2. De la conservation des prototypes internationaux ;

3. Des comparaisons périodiques des étalons nationaux avec les prototypes internationaux et avec leurs témoins, ainsi que de celles des thermomètres-étalons ;

4. De la comparaison des nouveaux prototypes avec les étalons fondamentaux des poids et mesures non métriques employés dans les différents pays et dans les sciences ;

5. De l'étalonnage et de la comparaison des règles géodésiques ;

6. De la comparaison des étalons et échelles de précision dont la vérification serait demandée soit par des Gouvernements, soit par des sociétés savantes, soit même par des artistes et des savants.

VII. Le personnel du Bureau se composera d'un directeur, de deux adjoints, et du nombre d'employés nécessaire.

À partir de l'époque où les comparaisons des nouveaux prototypes auront été effectuées et où ces prototypes auront été répartis entre les divers États, le personnel du Bureau sera réduit dans la proportion jugée convenable.

Les nominations du personnel du Bureau seront notifiées par le Comité International aux Gouvernements des Hautes Parties Contractantes.

VIII. Les prototypes internationaux du mètre et du kilogramme, ainsi que de leurs témoins, demeureront déposés dans le Bureau ; l'accès du dépôt sera uniquement réservé au Comité International.

IX. Tous les frais d'établissement et d'installation du Bureau International des Poids et Mesures, ainsi que les dépenses annuelles d'entretien et celles du Comité, seront couverts par des contributions des États Contractants, établies d'après une échelle basée sur leur population actuelle.

X. Les sommes représentant la part contributive de chacun des États Contractants seront versées, au commencement de chaque

année, par l'intermédiaire du Ministère des Affaires Étrangères de France, à la caisse des dépôts et consignations à Paris, d'où elles seront retirées, au fur et à mesure des besoins, sur mandats du Directeur du Bureau.

XI. Les Gouvernements qui useraient de la faculté, réservée à tout État, d'accéder à la présente Convention seront tenus d'acquitter une contribution dont le montant sera déterminé par le comité sur les bases établies à l'Article IX, et qui sera affectée à l'amélioration du matériel scientifique du Bureau.

XII. Les Hautes Parties Contractantes réservent la faculté d'apporter, d'un commun accord, à la présente Convention toutes les modifications dont l'expérience démontrerait l'utilité.

XIII. À l'expiration d'un terme de 12 années, la présente Convention pourra être dénoncée par l'une ou l'autre des Hautes Parties Contractantes.

Le Gouvernement qui userait de la faculté d'en faire cesser les effets en ce qui le concerne sera tenu de notifier son intention une année d'avance, et renoncera, par ce fait, à tous droits de copropriété sur les prototypes internationaux et sur le Bureau.

XIV. La présente Convention sera ratifiée suivant les lois constitutionnelles particulières à chaque État; les ratifications en seront échangées à Paris dans le délai de 6 mois, ou plus tôt si faire se peut. Elle sera mise à exécution à partir du 1^{er} Janvier, 1876.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à Paris, le 20 Mai, 1875.

| | |
|--------------------------------|--|
| Pour la Belgique : | BEYENS. |
| „ l'Allemagne : | HOHENLOHE. |
| „ l'Autriche-Hongrie : | APPONYI. |
| „ le Brésil : | VICOMTE D'ITAJUBA. |
| „ la Confédération Argentine : | } M. BALCARCE. |
| „ le Danemark : | |
| „ l'Espagne : | { MARQUIS DE MOLINS. CARLOS IBANEZ. |
| „ les États-Unis d'Amérique : | |
| „ la France : | { DECAZES. CTE. DE MEAUX. DUMAS. |
| „ l'Italie : | |
| „ le Pérou : | |
| „ le Portugal : | { P. GALVEZ. FRANCISCO DE RIVERO. |
| „ la Russie : | |
| | JOSÉ DA SILVA MENDES LEAL. |
| | OKOUNEFF. |

Pour la Suède et la Norvège: { Pour M. LE BARON ADELSWARD
empêché: H. ACKERMAN.
„ la Suisse: KERN.
„ la Turquie: HUSNY.
„ la République de } E. ACOSTA.
Vénézuéla:

RÈGLEMENT.

ART. I. Le Bureau International des Poids et Mesures sera établi dans un bâtiment spécial présentant toutes les garanties nécessaires de tranquillité et de stabilité.

Il comprendra, outre le local approprié au dépôt des prototypes, des salles pour l'installation des comparateurs et des balances, un laboratoire, une bibliothèque, une salle d'archives, des cabinets de travail pour les fonctionnaires, et des logements pour le personnel de garde et de service.

II. Le Comité International est chargé de l'acquisition et de l'appropriation de ce bâtiment, ainsi que de l'installation des services auxquels il est destiné.

Dans le cas où le Comité ne trouverait pas à acquérir un bâtiment convenable, il en sera construit un sous sa direction et sur ses plans.

III. Le Gouvernement Français prendra, sur la demande du Comité International, les dispositions nécessaires pour faire reconnaître le Bureau comme établissement d'utilité publique.

IV. Le Comité International fera exécuter les instruments nécessaires, tels que : comparateurs pour les étalons à traits et à bouts, appareil pour les déterminations des dilatations absolues, balances pour les pesées dans l'air et dans le vide, comparateurs pour les règles géodésiques, &c.

V. Les frais d'acquisition ou de construction du bâtiment et les dépenses d'installation et d'achat des instruments et appareils ne pourront dépasser ensemble la somme de 400,000 francs.

VI. Le budget des dépenses annuelles est évalué ainsi qu'il suit :

(A.) Pour la première période de la confection et de la comparaison des nouveaux prototypes :

| | Frs. |
|---|--------|
| (A.) Traitement du Directeur | 15,000 |
| „ de deux adjoints, à 6,000 francs .. | 12,000 |
| „ de 4 aides, à 3,000 francs | 12,000 |
| Appointements d'un mécanicien-concierge .. | 3,000 |
| Gages de 2 garçons de bureau, à 1,500 francs .. | 3,000 |
| Total des traitements | 45,000 |

(B.) Indemnités pour les savants et les artistes qui, sur la demande du comité, seraient chargés de travaux

| | Frs. |
|--|--------|
| spéciaux. Entretien du bâtiment, achat et réparation d'appareils, chauffage, éclairage, frais du Bureau.. .. . | 24,000 |
| (C.) Indemnité pour le Secrétaire du Comité International des Poids et Mesures | 6,000 |
| Total | 75,000 |

Le budget annuel du Bureau pourra être modifié, suivant les besoins, par le Comité International, sur la proposition du Directeur, mais sans pouvoir dépasser la somme de 100,000 francs.

Toute modification que le Comité croirait devoir apporter, dans ces limites, au budget annuel fixé par le présent Règlement sera portée à la connaissance des Gouvernements Contractants.

Le Comité pourra autoriser le Directeur, sur sa demande, à opérer des virements d'un chapitre à l'autre du budget qui lui est alloué.

(B.) Pour la période postérieure à la distribution des prototypes :—

| | Frs. |
|---|--------|
| (A.) Traitement du Directeur | 15,000 |
| „ d'un adjoint | 6,000 |
| Appointements d'un mécanicien-concierge .. | 3,000 |
| Gages d'un garçon de bureau | 1,500 |
| | 25,500 |
| (B.) Dépenses du Bureau | 18,500 |
| (C.) Indemnité pour le Secrétaire du Comité International | 6,000 |
| Total | 50,000 |

VII. La Conférence Générale mentionnée à l'Article III de la Convention se réunira à Paris, sur la convocation du Comité International, au moins une fois tous les 6 ans.

Elle a pour mission de discuter et de provoquer les mesures nécessaires pour la propagation et le perfectionnement du système métrique, ainsi que de sanctionner les nouvelles déterminations métrologiques fondamentales qui auraient été faites dans l'intervalle de ses réunions. Elle reçoit le rapport du Comité International sur les travaux accomplis, et procède, au scrutin secret, au renouvellement par moitié du Comité International.

Les votes, au sein de la Conférence Générale, ont lieu par État; chaque État a droit à une voix.

Les membres du Comité International siègent de droit dans les réunions de la Conférence; ils peuvent être, en même temps, délégués de leurs Gouvernements.

VIII. Le Comité International mentionné à l'Article III de la Convention sera composé de 14 membres appartenant tous à des États différents.

Il sera formé, pour la première fois, des 12 membres de l'ancien

Comité permanent de la Commission Internationale de 1872 et des deux délégués qui, lors de la nomination de ce Comité permanent, avaient obtenu le plus grand nombre de suffrages après les membres élus.

Lors du renouvellement, par moitié, du Comité International, les membres sortants seront d'abord ceux qui, en cas de vacance, auront été élus provisoirement dans l'intervalle entre deux sessions de la Conférence; les autres seront désignés par le sort.

Les membres sortants seront rééligibles.

IX. Le Comité International dirige les travaux concernant la vérification des nouveaux prototypes et, en général, tous les travaux métrologiques que les Hautes Parties Contractantes décideront de faire exécuter en commun.

Il est chargé, en outre, de surveiller la conservation des prototypes internationaux.

X. Le Comité International se constitue en choisissant lui-même, au scrutin secret, son Président et son Secrétaire. Ces nominations seront notifiées aux Gouvernements des Hautes Parties Contractantes.

Le Président et le Secrétaire du Comité et le Directeur du Bureau doivent appartenir à des pays différents.

Une fois constitué, le Comité ne peut procéder à de nouvelles élections ou nominations que 3 mois après que tous les membres en auront été avertis par le Bureau du Comité.

XI. Jusqu'à l'époque où les nouveaux prototypes seront terminés et distribués, le Comité se réunira au moins une fois par an; après cette époque ses réunions seront au moins bisannuelles.

XII. Les votes du Comité ont lieu à la majorité des voix; en cas de partage, la voix du Président est prépondérante. Les décisions ne sont valables que si le nombre des membres présents égale au moins la moitié plus un des membres qui composent le Comité.

Sous réserve de cette condition, les membres absents ont le droit de déléguer leurs votes aux membres présents, qui devront justifier de cette délégation. Il en est de même pour les nominations au scrutin secret.

XIII. Dans l'intervalle d'une session à l'autre, le Comité a le droit de délibérer par correspondance.

Dans ce cas, pour que la décision soit valable, il faut que tous les membres du Comité aient été appelés à émettre leur avis.

XIV. Le Comité International des Poids et Mesures remplit provisoirement les vacances qui pourraient se produire dans son sein; ces élections se font par correspondance, chacun des membres étant appelé à y prendre part.

XV. Le Comité International élaborera un règlement détaillé pour l'organisation et les travaux du Bureau, et il fixera les taxes à payer

pour les travaux extraordinaires prévus par l'Article VI de la Convention.

Ces taxes seront affectées au perfectionnement du matériel scientifique du Bureau.

XVI. Toutes les communications du Comité International avec les Gouvernements des Hautes Parties Contractantes auront lieu par l'intermédiaire de leurs représentants diplomatiques à Paris.

Pour toutes les affaires dont la solution appartiendra à une administration Française, le Comité aura recours au Ministère des Affaires Étrangères de France.

XVII. Le Directeur du Bureau, ainsi que les adjoints, sont nommés au scrutin secret par le Comité International.

Les employés sont nommés par le Directeur.

Le Directeur a voix délibérative au sein du Comité.

XVIII. Le Directeur du Bureau n'aura accès au lieu de dépôt des prototypes internationaux du mètre et du kilogramme qu'en vertu d'une résolution du Comité et en présence de deux de ses membres.

Le lieu de dépôt des prototypes ne pourra s'ouvrir qu'au moyen de 3 clefs, dont une sera en la possession du Directeur des Archives de France, la seconde dans celle du Président du Comité, et la troisième dans celle du Directeur du Bureau.

Des étalons de la catégorie des prototypes nationaux serviront seuls aux travaux ordinaires de comparaisons du Bureau.

XIX. Le Directeur du Bureau adressera, chaque année, au Comité : (1) un rapport financier sur les comptes de l'exercice précédent, dont il lui sera, après vérification, donné décharge ; (2) un rapport sur l'état du matériel ; (3) un rapport général sur les travaux accomplis dans le cours de l'année écoulée.

Le Comité International adressera, de son côté, à tous les Gouvernements des Hautes Parties Contractantes un rapport annuel sur l'ensemble de ses opérations scientifiques, techniques et administratives et de celles du Bureau.

Le Président du Comité rendra compte à la Conférence Générale des travaux accomplis depuis l'époque de sa dernière session.

Les rapports et publications du Comité et du Bureau seront rédigés en langue Française. Ils seront imprimés et communiqués aux Gouvernements des Hautes Parties Contractantes.

XX. L'échelle des contributions, dont il est question à l'Article IX de la Convention, sera établie ainsi qu'il suit :

Le chiffre de la population, exprimé en millions, sera multiplié :

Par le coefficient 3 pour les États dans lesquels le système métrique est obligatoire ;

Par le coefficient 2 pour ceux dans lesquels il n'est que facultatif ;

Par le coefficient 1 pour les autres États.

La somme des produits ainsi obtenus fournira le nombre d'unités par lequel la dépense totale devra être divisé. Le quotient donnera le montant de l'unité de dépense.

XXI. Les frais de confection des prototypes internationaux, ainsi que des étalons et témoins destinés à les accompagner seront supportés par les Hautes Parties Contractantes d'après l'échelle établie à l'Article précédent.

Les frais de comparaison et de vérification des étalons demandés par des États qui ne participeraient pas à la présente Convention seront réglés par le Comité, conformément aux taxes fixées en vertu de l'Article XV du Règlement.

XXII. Le présent Règlement aura même force et valeur que la Convention à laquelle il est annexé.

BEYENS.

HOHENLOHE.

APPONYI.

VTE. D'ITAJUBA.

BALCARCE.

Cte. DE MOLTKE-HOIT-

FELDT.

MARQUIS DE MOLINS.

CARLOZ IBANEZ.

E.-B. WASHBURNE.

DECAZES.

Cte. DE MEAUX.

DUMAS.

NIGRA.

GALVEZ.

FRANCISCO DE RIVERO.

JOSÉ DA SILVA MENDES

LEAL.

OKOUNEFF.

ACKERMAN.

KERN.

HUSNY.

E. ACOSTA.

DISPOSITIONS TRANSITOIRES.

ART. I. Tous les États qui étaient représentés à la Commission Internationale du mètre réunie à Paris en 1872, qu'ils soient ou non Parties Contractantes à la présente Convention, recevront les prototypes qu'ils auront commandés et qui leur seront livrés dans toutes les conditions de garantie déterminées par la dite Commission Internationale.

II. La première réunion de la Conférence Générale des Poids et Mesures mentionnée à l'Article III de la Convention aura notamment pour objet de sanctionner ces nouveaux prototypes et de les répartir entre les États qui en auront fait la demande.

En conséquence, les délégués de tous les Gouvernements qui étaient représentés à la Commission Internationale de 1872, ainsi que les membres de la section Française, feront de droit partie de cette première réunion pour concourir à la sanction des prototypes.

III. Le Comité International mentionné à l'Article III de la

Convention, et composé comme il est dit à l'Article VIII du Règlement, est chargé de recevoir et de comparer entre eux les nouveaux prototypes, d'après les décisions scientifiques de la Commission Internationale de 1872 et de son Comité permanent, sous réserve des modifications que l'expérience pourrait suggérer dans l'avenir.

IV. La section Française de la Commission Internationale de 1872 reste chargée des travaux qui lui ont été confiés pour la construction des nouveaux prototypes avec le concours du Comité International.

V. Les frais de fabrication des étalons métriques construits par la section Française seront remboursés par les Gouvernements intéressés, d'après le prix de revient par unité qui sera déterminé par la dite section.

VI. Le Comité International est autorisé à se constituer immédiatement et à faire toutes les études préparatoires nécessaires pour la mise à exécution de la Convention, sans engager aucune dépense avant l'échange des ratifications de la dite Convention.

BEYENS.

HOHENLOHE.

APPONYI.

VTE. D'ITAJUBA.

BALCARCE.

CTE. DE MOLTKE-HOIT-

FELDT.

MARQUIS DE MOLINS.

CARLOS IBANEZ.

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NIGRA.

P. GALVEZ.

FRANCISCO DE RIVERO.

JOSÉ DA SILVA MENDES

LEAL.

OKOUNEFF.

ACKERMAN.

KERN.

HUSNY.

E. ACOSTA.

CONVENTION d'Extradition entre la Belgique et le Portugal.
Signée à Lisbonne, le 8 Mars, 1875.

[Ratifications échangées à Lisbonne, le 15 Mars, 1876.]

SA Majesté le Roi des Belges et Sa Majesté le Roi de Portugal et des Algarves, ayant résolu d'un commun accord de conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Sa Majesté le Roi des Belges, le Baron Auguste d'Anethan, Officier de l'Ordre de Léopold, Grand-Croix de l'Ordre du Christ de Portugal, Commandeur de Nombre de l'Ordre d'Isabelle la Catho-

lique d'Espagne, décoré de 3^e classe de l'Ordre du Lion et du Soleil de Perse, Officier des Ordres de la Légion d'Honneur de France et des Saints Maurice et Lazare d'Italie, décoré de 4^e classe du Medjidié de Turquie, Chevalier des Ordres de Léopold d'Autriche, du Lion Néerlandais, et de Saint Joseph de Toscane, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté Très Fidèle;

Sa Majesté le Roi de Portugal et des Algarves, le Docteur Antonio Corrêa Caldeira, du Conseil de Sa Majesté, Pair du Royaume, Conseiller à la Cour des Comptes, Commandeur de l'Ordre Militaire de Notre-Dame de la Conception de Villa-Viçosa;

Lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Le Gouvernement Belge et le Gouvernement Portugais s'obligent, par la présente Convention, à se livrer réciproquement, à l'exception de leurs propres sujets de naissance ou par naturalisation, tous les individus réfugiés de Portugal, des îles adjacentes et des possessions d'outremer en Belgique, ou réfugiés de Belgique en Portugal, dans les îles adjacentes et les possessions d'outre-mer, mis en prévention, accusés ou condamnés comme auteurs ou complices d'un des crimes ou délits énumérés dans l'Article III de la présente Convention, commis sur le territoire de l'un des deux États Contractants.

Néanmoins, lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire de la partie requérante, il pourra être donné suite à cette demande, pourvu que la législation du pays requis autorise, dans ce cas, la poursuite des mêmes faits commis hors de son territoire et si l'individu est sujet de l'État réclamant.

II. La demande d'extradition sera faite par la voie diplomatique. Elle sera accompagnée de la production, en original ou en expédition authentique, soit d'un jugement ou arrêt de condamnation, soit d'une ordonnance ou d'un arrêt portant renvoi de l'inculpé devant la juridiction répressive, soit d'un mandat d'arrêt ou d'un acte ayant la même force, décerné par l'autorité judiciaire étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

Ces pièces seront accompagnées d'une copie du texte de la loi applicable au fait incriminé, et, autant que possible, du signalement de l'individu réclamé.

En cas d'urgence et quand l'évasion est à craindre, l'individu poursuivi ou condamné pour l'un des faits donnant lieu à l'extradition aux termes du présent Traité sera provisoirement arrêté sur l'avis, transmis par le télégraphe ou par tout autre moyen, de l'existence d'un mandat d'arrêt, d'une ordonnance ou d'un arrêt de

renvoi devant la juridiction répressive, ou d'un jugement de condamnation à sa charge, ou de tout acte équivalent de procédure criminelle émanant de l'autorité judiciaire compétente, à la condition que cet avis soit donné par la voie diplomatique au Gouvernement de la partie requise. Toutefois, l'inculpé sera mis en liberté après le délai de 3 semaines, à compter du jour de son arrestation (à moins qu'il ne se soit produit auparavant une réclamation reconnue fondée du Gouvernement dont il serait le sujet), s'il ne reçoit communication d'aucun des documents exigés ci-dessus pour autoriser l'extradition.

III. L'extradition aura lieu pour les faits suivants :—

1. Homicide volontaire, parricide, infanticide, empoisonnement ;
 2. Coups ou blessures volontaires, infligés avec préméditation ou ayant causé soit la mort, sans l'intention de la donner, soit une maladie physique ou mentale paraissant incurable, soit une mutilation grave, soit la privation d'un membre, la perte de l'usage absolu d'un organe ou une incapacité permanente de travail personnel ;
 3. Viol, attentat à la pudeur avec violence, enlèvement de mineurs, attentat à la pudeur sans violence sur des enfants au-dessous de l'âge déterminé par la législation pénale des deux pays ;
 4. Avortement ;
 5. Bigamie ;
 6. Enlèvement, recel, suppression, substitution ou supposition d'enfant. Exposition ou délaissement d'enfant dans les cas prévus par la législation pénale des deux pays ;
 7. Vol, abus de confiance, concussion, détournements commis par des fonctionnaires publics ; corruption de ces fonctionnaires ; Escroqueries, tromperies ; recèlement d'objets obtenus à l'aide d'un crime ou d'un délit pouvant donner lieu à l'extradition ;
 8. Association de malfaiteurs ;
 9. Attentat à la liberté individuelle et à l'inviolabilité du domicile commis par des particuliers ;
 10. Menaces d'attentat contre les personnes ou les propriétés, punissable de peines criminelles ;
 11. Incendie volontaire ;
 12. Fabrication de fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie ; émission et mise en circulation de la monnaie contrefaite ou altérée ;
- Contrefaçon ou falsification de billets de banque ou de tous papiers ayant cours comme la monnaie ; d'effets publics, titres ou inscriptions de la dette publique ; émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés ;
- Fabrication ou usage d'instruments destinés à faire de la fausse monnaie, de faux billets de banque ou à contrefaire des titres ou

documents officiels ou des titres de la dette publique, sachant que ces instruments devaient servir à cette destination ;

Contrefaçon ou falsification de sceaux, poinçons et marques d'une autorité ou administration publique ; usage de sceaux, poinçons ou marques d'une autorité ou administration publique falsifiés ; faux en écriture publique, privée ou de commerce ; usage de pièces fausses ;

13. Banqueroute frauduleuse ;

14. Faux serment, faux témoignages, fausses déclarations d'experts ou d'interprètes, subornation de témoins, interprètes ou experts ;

15. Crimes et délits maritimes prévus, à la fois, par la législation Portugaise et par la Loi Belge du 15 Mars, 1874, sur les extraditions ;

16. Destruction, dévastation, dommage ou dégradation causés à la propriété mobilière ou immobilière et pouvant donner lieu à extradition suivant la législation des deux pays et aux termes de la présente Convention.

L'extradition pourra aussi avoir lieu pour la tentative de ces crimes ou délits, lorsqu'elle est punissable par la législation des deux pays contractants.

En matière correctionnelle ou de délits, l'extradition aura lieu dans les cas prévus ci-dessous :

1. Pour les condamnés, lorsque la peine prononcée sera au moins d'un an d'emprisonnement ;

2. Pour les prévenus, lorsque le maximum de la peine applicable au fait incriminé sera, d'après la loi du pays réclamant, au moins de deux ans d'emprisonnement.

IV. S'il se présentait quelques cas rentrant dans la catégorie des faits prévus par l'Article précédent, tels que l'extradition de l'individu réclamé parût contraire, quant à ses conséquences, aux principes d'équité ou d'humanité admis dans la législation des deux États, chacun des deux Gouvernements se réserverait le droit de ne pas consentir à cette extradition ; il sera donné connaissance au Gouvernement qui la réclame des motifs du refus.

V. L'extradition ne sera accordée, en aucun cas, pour des crimes ou délits politiques ou pour des faits ayant avec ces crimes une connexion immédiate.

L'homicide volontaire ou l'empoisonnement ou la tentative de l'un ou de l'autre de ces crimes contre la personne du Souverain d'un des deux États, ou contre celle du Souverain ou du chef d'un État étranger, ou contre celle des membres de sa famille, ne sera pas considéré comme crime politique ni comme fait immédiatement connexe à un semblable crime.

VI. Les individus dont l'extradition aurait été accordée ne

pourront pas être jugés ou punis pour des crimes ou délits politiques antérieurs à l'extradition, ni pour des faits en connexion avec ces crimes ou délits, ni pour tout autre crime ou délit antérieur différent de celui qui aurait motivé l'extradition.

VII. L'extradition ne sera pas non plus accordée lorsque, d'après la législation du pays dans lequel le prévenu est réfugié, la peine ou l'action criminelle se trouvera prescrite.

VIII. L'extradition ne pourra être suspendue, même si elle empêche l'accomplissement d'obligations que l'individu réclamé aurait contractées envers des particuliers, lesquels pourront toutefois faire valoir leurs droits devant les autorités judiciaires compétentes.

IX. Si l'individu réclamé n'est ni Belge ni Portugais, le Gouvernement auquel l'extradition est demandée pourra informer de cette demande le Gouvernement auquel appartient le prévenu, et si ce Gouvernement le réclame, le Gouvernement auquel la demande d'extradition aura été adressée pourra, à son choix, le livrer à l'un ou à l'autre Gouvernement.

X. Si l'inculpé, accusé ou condamné dont l'extradition est demandée, conformément à la présente Convention, par une des Parties Contractantes, l'était également par un autre ou d'autres Gouvernements, en vertu des Conventions existantes, il sera remis, sauf le cas prévu par l'Article précédent, au Gouvernement qui aura la priorité par l'introduction de la demande et, dans le cas où les dates seraient les mêmes, à celui dont la demande a été expédiée la première.

XI. Si, dans le délai de 3 mois à compter du jour où l'inculpé, l'accusé ou le condamné aura été mis à sa disposition, l'Agent Diplomatique qui l'a réclamé ne l'a pas fait partir pour le pays réclamant, il sera mis en liberté et il ne pourra pas être arrêté de nouveau pour le même motif.

Dans ce cas les frais seront pour le compte du Gouvernement qui aura fait la demande d'extradition.

XII. Les individus dont l'extradition aura été demandée et qui se trouveront condamnés ou poursuivis pour des crimes commis dans le pays où il se sont réfugiés, ne pourront être remis qu'après le jugement définitif et l'accomplissement de la peine, s'ils sont condamnés.

XIII. Les objets volés ou saisis en la possession de l'inculpé, ainsi que les instruments et les ustensiles dont il se serait servi pour commettre le crime ou délit, ainsi que toute pièce de conviction, seront livrés à l'État réclamant si l'autorité compétente de l'État requis en a ordonné la remise, soit que l'extradition ait lieu, soit qu'elle ne puisse s'effectuer à cause de la mort ou de la fuite de l'inculpé. Sont toutefois réservés les droits des tiers sur les objets

indiqués, lesquels, dans ce cas, doivent être rendus sans frais après la clôture du procès.

XIV. Les frais occasionnés par l'arrestation, l'emprisonnement, la nourriture et le transport jusqu'à la frontière des individus dont l'extradition sera accordée, ainsi que ceux faits pour la remise des objets indiqués à l'Article précédent, resteront à la charge de l'État sur le territoire duquel l'inculpé se sera réfugié.

Toutefois, les dépenses faites pour la nourriture et le transport par mer ou au delà des frontières, entre les deux États, seront à la charge de celui qui aura réclamé l'extradition.

XV. Lorsque, dans la poursuite d'un procès criminel non politique dans l'un des deux pays, la déposition des témoins domiciliés dans l'autre sera nécessaire, une commission rogatoire sera envoyée dans ce but par voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins auront été requis.

Les deux Gouvernements renoncent à toute réclamation concernant la restitution des dépenses provenant de l'exécution des commissions rogatoires.

XVI. Les deux Gouvernements s'engagent à se notifier l'un à l'autre les sentences sur les crimes et délits de toute espèce prononcées par les tribunaux de l'un des États contre les individus de l'autre État. Cette communication sera effectuée moyennant l'envoi, par voie diplomatique, au Gouvernement dont l'inculpé sera le sujet, d'une copie de la sentence définitive.

XVII. La présente Convention, qui remplace celle du 26 Juin, 1854,* et la Déclaration du 29 Septembre, 1854,† ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays. Elle est conclue pour 5 ans, à compter du jour de l'échange des ratifications, et elle continuera à subsister au-delà de ce délai tant que l'un des deux Gouvernements n'aura pas déclaré, 6 mois d'avance, qu'il y renonce.

Elle sera ratifiée, et les ratifications seront échangées à Lisbonne dans le plus bref délai possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Lisbonne, en double original, le 8 Mars, 1875.

(L.S.) BON. D'ANETHAN.

(L.S.) ANTONIO CORRÊA CALDEIRA.

* Vol. LII. Page 1110.

† Vol. LII. Page 1112.

*CONVENTION d'Extradition entre la Belgique et l'Italie.—
Signée à Rome, le 15 Janvier, 1875.*

[Ratifications échangées à Rome, le 25 Février, 1875.]

SA Majesté le Roi des Belges et Sa Majesté le Roi d'Italie, désirant assurer la répression des crimes et délits soumis à la juridiction de leurs tribunaux respectifs et dont les auteurs ou complices voudraient se soustraire à la rigueur des lois, en se réfugiant d'un pays dans l'autre, ont résolu de conclure une Convention d'Extradition, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. Auguste Van Loo, Officier de son Ordre de Léopold, Grand Cordon des Ordres de l'Étoile Polaire de Suède et du Danebrog, Chevalier de 3^e classe de la Couronne de Fer d'Autriche, &c. ;

Sa Majesté le Roi d'Italie, M. le Chevalier Emile Visconti Venosta, Grand Cordon de ses Ordres des SS. Maurice et Lazare et de la Couronne d'Italie, Grand Cordon de l'Ordre de Léopold de Belgique, &c. ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Belge et Italien s'engagent à se livrer réciproquement les individus poursuivis, mis en prévention ou en accusation, ou condamnés comme auteurs ou complices, pour l'un des crimes ou délits indiqués ci-après à l'Article II, commis sur le territoire de l'un des deux États Contractants, qui se seraient réfugiés sur le territoire de l'autre.

Néanmoins, lorsque le crime ou délit donnant lieu à l'extradition aura été commis hors du territoire de la partie requérante, il pourra être donné suite à la demande lorsque la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

II. Ces crimes et délits sont :

1. Parricide, infanticide, assassinat, empoisonnement, meurtre ;
2. Coups portés ou blessures faites volontairement avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte absolue de l'usage d'un organe, une mutilation grave ou la mort sans l'intention de la donner ;

3. Bigamie, enlèvement de mineurs, viol, avortement ; attentat à la pudeur commis avec violence ; attentat à la pudeur commis sans violence sur la personne ou à l'aide de la personne d'un enfant de l'un ou de l'autre sexe, âgé de moins de 14 ans ; attentat aux mœurs en excitant, facilitant ou favorisant habituellement, pour satisfaire

les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;

4. Enlèvement, recel, suppression, substitution ou supposition d'enfant ; exposition ou délaissement d'enfant ;

5. Incendie ;

6. Destruction de constructions, machines à vapeur ou appareils télégraphiques ;

7. Destruction de documents ou autres papiers publics ;

8. Association de malfaiteurs, vol ;

9. Menaces d'attentat contre les personnes ou les propriétés punissable de la peine de mort, des travaux forcés ou de la réclusion ;

10. Attentat à la liberté individuelle et à l'inviolabilité du domicile commis par des particuliers ;

11. Fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée ; contrefaçon ou falsification d'effets publics ou de billets de banque, de titres publics ou privés ; émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés ; faux en écriture ou dans les dépêches télégraphiques et usages de ces dépêches, effets, billets ou titres contrefaits, fabriqués ou falsifiés ; contrefaçon ou falsification de sceaux, timbres, poinçons et marques, à l'exception de ceux de particuliers ou de négociants ; usage de sceaux, timbres, poinçons et marques contrefaits ou falsifiés, et usage préjudiciable de vrais sceaux, timbres, poinçons et marques ;

12. Faux témoignage et fausses déclarations d'experts ou d'interprètes, subornation de témoins, d'experts ou d'interprètes ;

13. Faux serment ;

14. Concussion, détournements commis par des fonctionnaires publics, corruption de fonctionnaires publics ;

15. Banqueroute frauduleuse et fraudes commises dans les faillites ;

16. Escroquerie, abus de confiance et tromperie ;

17. Abandon par le capitaine, hors les cas prévus par la loi des deux pays, d'un navire ou bâtiment de commerce ou de pêche ;

18. Échouement, perte, destruction par le capitaine ou les officiers et gens de l'équipage, détournement par le capitaine d'un navire ou d'un bâtiment de commerce ou de pêche ; jet ou destruction sans nécessité de tout ou partie du chargement, des vivres et des effets du bord ; fausse route, emprunt sans nécessité sur le corps, ravitaillement ou équipement du navire, ou mise en gage ou vente des marchandises ou victuailles, ou emploi dans les comptes d'avaries ou de dépenses supposées ; vente du navire sans pouvoir spécial, hors le cas d'innavigabilité ; déchargement de marchandises sans rapport préalable, hors le cas de péril imminent ; vol commis à bord, altération de vivres ou de marchandises, commise à bord par le mélange de

substances malfaisantes ; attaque ou résistance avec violence et voies de fait envers le capitaine par plus du tiers de l'équipage ; refus d'obéir aux ordres du capitaine ou officier du bord pour le salut du navire ou de la cargaison, avec coups et blessures ; complot contre la sûreté, la liberté ou l'autorité du capitaine ; prise du navire par les marins ou passagers par fraude ou violence envers le capitaine ;

19. Recèlement des objets obtenus à l'aide d'un des crimes ou délits prévus par la présente Convention.

L'extradition pourra aussi avoir lieu pour la tentative de ces crimes ou délits, lorsqu'elle est punissable d'après la législation des deux pays contractants.

III. L'extradition ne sera jamais accordée pour les crimes ou délits politiques. L'individu qui serait livré pour une autre infraction aux lois pénales ne pourra, dans aucun cas, être poursuivi ou condamné pour un crime ou délit politique commis antérieurement à l'extradition, ni pour aucun fait connexe à un semblable crime ou délit.

Il ne pourra non plus être poursuivi ou condamné pour aucun des crimes ou délits, antérieurs à l'extradition, qui ne sont pas prévus dans la présente Convention, ou qui n'ont pas formé l'objet de la demande, à moins qu'après avoir été puni ou acquitté du chef du crime ou délit qui a donné lieu à l'extradition, il n'ait négligé de quitter le pays avant un délai d'un mois, ou bien qu'il n'y vienne de nouveau.

IV. L'extradition ne pourra avoir lieu si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays dans lequel le prévenu ou le condamné s'est réfugié.

V. Dans aucun cas et pour aucun motif, les Hautes Parties Contractantes ne pourront être tenues à se livrer leurs nationaux, sauf les poursuites à exercer contre eux dans leur pays, conformément aux lois en vigueur.

VI. Si l'individu poursuivi ou mis en prévention, ou accusé, ou condamné, n'est ni Belge ni Italien, ou si le crime ou délit a été commis hors du territoire des Parties Contractantes par un individu qui n'appartient pas à l'État auquel l'extradition est demandée, le Gouvernement pourra informer de cette demande, au premier cas le Gouvernement auquel appartient l'individu réclamé, au second cas le Gouvernement sur le territoire duquel le crime ou délit a été commis ; et si un de ces Gouvernements réclame à son tour le même individu, pour le faire juger par ses tribunaux, le Gouvernement auquel la demande d'extradition a été adressée pourra, à son choix, le livrer à l'un ou à l'autre Gouvernement.

Si l'individu réclamé par une des Parties Contractantes est réclamé en même temps par un autre ou plusieurs autres Gouvernements, il pourra être livré au Gouvernement qui demande l'extradition du chef du crime ou délit le plus grave ; et dans le cas où tous

ces crimes ou délits seraient de la même gravité, l'individu en question pourra être livré au Gouvernement dont la demande aura une date plus ancienne.

VII. Si l'individu réclamé est poursuivi ou condamné dans le pays où il s'est réfugié pour un crime ou délit commis dans ce même pays, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, qu'il soit acquitté ou absous, ou qu'il ait subi sa peine.

VIII. L'extradition sera accordée lors même que le condamné, l'accusé ou le prévenu viendrait par ce fait à être empêché de remplir ses engagements contractés envers des particuliers, lesquels pourront toujours faire valoir leurs droits auprès des autorités judiciaires compétentes.

IX. Les demandes d'extradition seront adressées par la voie diplomatique.

L'extradition sera accordée sur la production, soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil ou de l'arrêt de la Chambre des Mises en Accusation ou de l'acte de procédure criminelle émané du juge compétent, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive.

Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre acte ayant la même force, délivré par l'autorité étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

Les actes ci-dessus indiqués seront délivrés en original ou en expédition authentique dans les formes prescrites par la législation du Gouvernement qui réclame l'extradition et accompagnés d'une copie du texte de la loi applicable, et, autant que possible, du signalement de l'individu réclamé, ou de toute autre indication de nature à en constater l'identité.

X. En cas d'urgence, l'étranger sera arrêté provisoirement, pour l'un des faits énumérés dans l'Article II, sur avis donné par la voie diplomatique au Ministère des Affaires Étrangères et indiquant l'existence de l'un des documents mentionnés à l'Article IX.

L'arrestation sera facultative si la demande est directement parvenue à une autorité judiciaire ou administrative de l'un des deux États, mais cette autorité devra procéder sans délai à tous interrogatoires et investigations de nature à vérifier l'identité ou les preuves du fait incriminé, et si quelque difficulté se présente, rendre compte au Ministre des Affaires Étrangères des motifs qui l'auraient engagé à surseoir à l'arrestation réclamée.

Dans tous les cas l'étranger sera mis en liberté si, dans le délai de 3 semaines après son arrestation, il ne reçoit communication de l'un des documents dont il s'agit.

L'arrestation aura lieu selon les formes et suivant les règles prescrites par la législation du Gouvernement auquel elle est demandée.

XI. Les objets volés ou saisis en la possession de l'individu dont l'extradition est demandée, les instruments ou outils dont il se serait servi pour commettre le crime ou délit qui lui est imputé, ainsi que toutes pièces de conviction, seront livrés à l'État réclamant si l'autorité compétente de l'État requis en a ordonné la remise, même dans le cas où l'extradition, après avoir été accordée, ne pourrait avoir lieu par suite de la mort ou de la fuite du prévenu.

Cette remise comprendra aussi tous les objets de même nature qu'il aurait cachés ou déposés dans le pays où il se serait réfugié et qui y seraient trouvés plus tard.

Sont cependant réservés les droits des tiers sur les objets mentionnés qui doivent leur être rendus, sans frais, dès que le procès criminel ou correctionnel sera terminé.

XII. Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, ainsi que ceux de consignation et de transport des objets qui, aux termes de l'Article précédent, doivent être restitués ou remis, resteront à la charge des deux États dans la limite de leurs territoires respectifs.

Les frais de transport et autres sur le territoire des États intermédiaires seront à la charge de l'État réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extraditer sera conduit au port de l'État requis que désignera l'Agent Diplomatique ou Consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

XIII. Il est formellement stipulé que l'extradition par voie de transit sur les territoires respectifs des États Contractants d'un individu n'appartenant pas au pays de transit sera accordée sur la simple production en original ou en expédition authentique, de l'un des actes de procédure mentionnés, selon les cas, dans l'Article IX ci-dessus, pourvu que le fait servant de base à l'extradition soit compris dans la présente Convention et ne rentre pas dans les dispositions des Articles III et IV.

XIV. Lorsque dans la poursuite d'une affaire pénale, non politique, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre État, ou tout autre acte d'instruction judiciaire, une commission rogatoire sera envoyée, à cet effet, par la voie diplomatique, et il y sera donné suite en observant les lois du pays dans lequel l'audition des témoins ou l'acte d'instruction devra avoir lieu.

Les commissions rogatoires émanées de l'autorité compétente étrangère et tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à conviction, ne pourront

être exécutées que pour un des faits énumérés à l'Article II et sous la réserve exprimée au dernier paragraphe de l'Article XI.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la commission rogatoire, dans les cas même où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entraîné plus d'une vacation.

XV. En matière pénale non politique, lorsque la notification d'un acte de procédure ou d'un jugement à un Belge ou à un Italien paraîtra nécessaire au Gouvernement Belge et réciproquement, la pièce transmise diplomatiquement sera signifiée à personne à la requête du Ministère Public du lieu de la résidence par les soins d'un officier compétent, et l'original, constant la notification, revêtu du visa, sera renvoyé par la même voie au Gouvernement requérant, sans restitution des frais.

XVI. Si, dans une cause pénale non politique, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite, et, dans ce cas, de frais de voyage et de séjour lui seront accordés d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu. Les personnes résidant en Belgique ou en Italie, appelées en témoignage devant les tribunaux de l'un ou de l'autre pays, ne pourront être poursuivies ni détenues pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits, objet du procès où elles figureront comme témoins.

Lorsque, dans une cause pénale non politique, instruite dans l'un des deux pays, la production de pièces de conviction ou documents judiciaires sera jugée utile, la demande en sera faite par voie diplomatique et on y donnera suite, à moins que des considérations particulières ne s'y opposent et sous l'obligation de renvoyer les pièces.

Les Gouvernements Contractants renoncent à toute réclamation des frais résultant, dans les limites de leurs territoires respectifs, de l'envoi et de la restitution des pièces de conviction et documents.

XVII. Les deux Gouvernements s'engagent à se communiquer réciproquement, aussi sans restitution de frais, les arrêts de condamnation pour crimes et délits de toute espèce, qui auront été prononcés par les tribunaux de l'un des deux États contre les sujets de l'autre. Cette communication sera effectuée moyennant l'envoi, par voie diplomatique, du jugement prononcé et devenu définitif, au Gouvernement du pays auquel appartient le condamné, pour être déposé au greffe du tribunal compétent.

Chacun des deux Gouvernements donnera à ce sujet les instructions nécessaires aux autorités respectives.

XVIII. La présente Convention, qui remplace celle du 15 Avril,

1869,* et les Déclarations du 23 Juin, 1870,† et du 6 Novembre, 1874,‡ ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

Elle est conclue pour 5 ans, à partir du jour de l'échange des ratifications.

Dans le cas où aucun des deux Gouvernements n'aurait notifié, 6 mois avant la fin de la dite période, son intention d'en faire cesser les effets, elle demeurera obligatoire pour 5 autres années, et ainsi de suite, de 5 en 5 ans.

XIX. La présente Convention sera ratifiée, et les ratifications en seront échangées à Rome dans l'espace de 6 semaines, ou plus tôt si faire se peut.

En foi de quoi, les deux Plénipotentiaires l'ont signée en double original et y ont apposé leurs cachets respectifs.

Fait en double original à Rome, le 15 Janvier, 1875.

(L.S.) A. VAN LOO.

(L.S.) VISCONTI VENOSTA.

DÉCLARATION MONÉTAIRE entre la Belgique, la France, l'Italie, et la Suisse.—Signée à Paris, le 5 Février, 1875.

LES Soussignés, Délégués des Gouvernements de Belgique, de France, d'Italie, et de Suisse, s'étant réunis en conférence, en exécution de l'Article III de la Convention Monétaire Additionnelle du 31 Janvier, 1874,|| et dûment autorisés à cet effet, ont, sous réserve de l'approbation de leurs Gouvernements respectifs, arrêté les dispositions suivantes :—

ART. I. Sont prorogées, pour l'année 1875, les dispositions de l'Article I de la Convention Additionnelle du 31 Janvier, 1874, relatives aux limites assignées à la fabrication des pièces d'argent de 5 francs pour la Belgique, la France, l'Italie, et la Suisse.

II. Le Gouvernement Italien ayant exposé la nécessité où il se trouve de refondre, en 1875, pour la convertir en pièces de 5 francs, une somme de 10,000,000 d'anciennes monnaies d'argent, non décimales, chacun des Gouvernements Contractants est autorisé à faire fabriquer, en sus du contingent fixé par l'Article précédent, une quantité de pièces d'argent de 5 francs qui ne pourra excéder le quart du dit contingent.

III. Sont imputés sur les contingents fixés par l'Article I les bons de monnaie délivrés jusqu'à la date de ce jour.

IV. En dehors du contingent fixé par l'Article I ci-dessus, le

* Vol. LIX. Page 383.

† Vol. LXII. Page 650.

‡ Vol. LXV. Page 478.

|| Vol. LXV. Page 479.

Gouvernement Italien est autorisé à laisser mettre en circulation la somme de 20,000,000 de francs en pièces d'argent de 5 francs, fabriquées dans les conditions de l'Article II de la Convention Additionnelle du 31 Janvier, 1874, et immobilisées jusqu'à ce jour dans les caisses de la Banque Nationale d'Italie.

V. Une nouvelle Conférence Monétaire sera tenue à Paris, dans le courant du mois de Janvier, 1876, entre les délégués des Gouvernements Contractants.

VI. Il est entendu que, jusqu'après la réunion de la Conférence prévue par l'Article précédent, il ne sera délivré de bons de monnaie, pour l'année 1876, que pour une somme n'excédant pas la moitié du contingent fixé par l'Article I de la présente Déclaration.

VII. La présente Déclaration sera mise en vigueur dès que la promulgation en aura été faite d'après les lois particulières de chacun des 4 États.

En foi de quoi, les délégués respectifs ont signé la présente Déclaration et y ont apposé le cachet de leurs armes.

Fait en 4 expéditions à Paris, le 5 Février, 1875.

(L.S.) V. JACOBS.

(L.S.) DUMAS.

(L.S.) A. MAGLIANI.

(L.S.) KERN.

(L.S.) DE BOUNDER DE MELSBROECK.

(L.S.) E. DE PARIEU.

(L.S.) RESSMAN.

(L.S.) FEER HERZOG.

(L.S.) G. DE SOUBEYRAN.

TRAITÉ d'Amitié, de Commerce, et d'Établissement, entre la Confédération Suisse et le Royaume des Pays-Bas.—Signé à Berne, le 19 Août, 1875.

[Ratifications échangées à Berne, le 10 Septembre, 1878.]

LE Conseil Fédéral Suisse et Sa Majesté le Roi des Pays-Bas, également animés du désir de resserrer les liens d'amitié qui unissent les deux peuples, et voulant améliorer et étendre les relations commerciales entre la Suisse et les Pays-Bas, ont résolu de conclure un Traité d'Amitié, d'Établissement, et de Commerce, et ont à cet effet nommé pour leurs Plénipotentiaires, savoir :—

Le Conseil Fédéral Suisse, Monsieur Paul Ceresole, Conseiller Fédéral et Chef du Département de Justice et Police de la Confédération Suisse ; et

Sa Majesté le Roi des Pays-Bas, Monsieur J. G. Suter-Vermeulen, son Consul-Général près la Confédération Suisse, Chevalier de l'Ordre du Lion Néerlandais ;

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, ont arrêté et signé les Articles suivants :—

ART. I.* Les sujets et citoyens respectifs des deux Hautes Parties Contractantes seront complètement assimilés aux nationaux pour tout ce qui regarde le séjour et l'établissement, l'exercice du commerce, de l'industrie et des professions, le paiement des impôts, l'exercice des cultes, le droit d'acquérir et de disposer de toute propriété mobilière et immobilière par achat, vente, donation, échange, testament, et succession *ab intestat*.

Ils seront complètement assimilés aux sujets de la nation étrangère la plus favorisée, en ce qui regarde leur position personnelle sous tous les autres rapports.

Les dispositions qui précèdent ne dérogent pas aux distinctions légales entre les personnes d'origine occidentale et celles d'origine orientale dans les Possessions Néerlandaises de l'Archipel Oriental.

II. Les produits du sol et de l'industrie du Royaume des Pays-Bas et de ses colonies, de quelque part qu'ils viennent, et toute marchandise sans distinction d'origine, venant de ce Royaume ou de ses colonies, seront admis en Suisse sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Réciproquement, les produits du sol et de l'industrie de la Confédération Suisse, de quelque part qu'ils viennent, et toute marchandise sans distinction d'origine, venant de cette Confédération, seront admis dans le Royaume des Pays-Bas et dans ses colonies sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée. Ces stipulations ne

* On the 24th April, 1877, the following Protocol was signed between the Plenipotentiaries of the Netherlands and Switzerland :—

“ Il est entendu que la stipulation de l'Article I, tout en assurant aux ressortissants respectifs des deux Hautes Parties Contractantes l'assimilation complète aux nationaux, même pour tout ce qui regarde le séjour et l'établissement, ne déroge pas cependant, tant en Suisse que dans le Royaume des Pays-Bas et ses colonies, au droit d'exiger que tout sujet ou citoyen de l'un des deux États qui voudra être admis à séjourner ou à s'établir dans l'autre, soit porteur d'un passeport ou d'un autre certificat authentique de nationalité ; ni au droit de renvoyer des territoires respectifs les personnes qui manqueraient de moyens de subsistance ou qui tomberaient à la charge de la bienfaisance publique ; ni au droit d'expulser ou d'interner les individus qui compromettraient la tranquillité et l'ordre publics ou la sûreté intérieure ou extérieure de l'État ; ni à la faculté d'extrader les malfaiteurs que ne sont pas ressortissants du pays même.”

s'appliquent pas à la franchise de droits d'entrée accordée aux États indigènes de l'Archipel Oriental pour l'importation de leurs produits dans les Colonies des Pays-Bas.

III. Les deux Hautes Parties Contractantes se garantissent réciproquement le traitement de la nation étrangère la plus favorisée pour tout ce qui concerne le transit et l'exportation.

IV. Toute réduction de tarif, toute faveur, toute immunité que l'une des Hautes Parties Contractantes accordera aux sujets, au commerce, aux produits du sol ou de l'industrie d'une tierce Puissance, sera immédiatement et sans condition étendue à l'autre de ces Hautes Parties. Aucune des Hautes Parties Contractantes ne soumettra l'autre à une prohibition ou à une charge légale sous un de ces rapports, qui ne soit appliquée en même temps à toutes ces autres nations.

V. Le présent Traité restera en vigueur pendant 10 années, à partir du jour qui sera fixé dans le procès-verbal d'échange des ratifications. Dans le cas où ni l'une ni l'autre des Hautes Parties Contractantes n'aurait notifié, 12 mois avant la fin de la dite période, son intention d'en faire cesser les effets, le Traité demeurera en vigueur jusqu'à l'expiration d'une année, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncé.

Le présent Traité sera ratifié, et les ratifications en seront échangées à Berne aussitôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs ont signé le Traité et y ont apposé leurs sceaux.

Ainsi fait par duplicata à Berne le 19 Août, 1875.

(L.S.) CERESOLE, *Plénipotentiaire de Suisse.*

(L.S.) J. G. SUTER-VERMEULEN, *Plénipotentiaire des Pays-Bas.*

CIRCULAR of the Swiss Government respecting the Extradition of Criminals.—Berne, January 26, 1875.

MONSIEUR LE PRÉSIDENT ET MESSIEURS,

L'ARTICLE LV de la Loi sur l'Organisation Judiciaire Fédérale du 27 Juin, 1874, porte que—

“ Le Tribunal Fédéral statue sur les demandes d'extradition qui sont formulées en vertu des Traités d'Extradition existants, pour autant que l'application du Traité en question est contestée. Les mesures préliminaires restent dans la compétence du Conseil Fédéral.”

D'après l'Article VI de l'Arrêté Fédéral du 16 Octobre, 1874,

sur l'entrée en fonctions du Tribunal Fédéral, les contestations en matière d'extradition ont passé dans la compétence de ce Tribunal à partir du 1^{er} Janvier, 1875.

Il devenait dès lors nécessaire de régler sans retard la procédure en matière d'extradition et de déterminer le rôle du pouvoir politique et du pouvoir judiciaire.

Après avoir pris sur ce point l'avis du Tribunal Fédéral, le Département soussigné a nanti le Conseil Fédéral d'un ensemble de propositions que celui-ci a adoptées dans sa séance d'hier 25 Janvier, et que nous avons été chargé de porter comme suit à la connaissance des autorités cantonales:—

“I. Lorsqu'une demande d'extradition fondée sur un Traité arrive au Conseil Fédéral par voie diplomatique, elle est renvoyée pour examen au Département Fédéral de Justice et Police. Celui-ci vérifie si les conditions prescrites par les Traités pour que l'extradition soit accordée existent dans l'espèce, spécialement quant à la nature du délit et aux pièces que l'État requérant doit produire (jugement, mandat d'arrêt, &c.), et si ces pièces sont régulières et complètes.

“II. Si l'extradition est demandée pour un motif qui ne rentre pas dans le Traité invoqué, le Département propose au Conseil Fédéral de refuser la demande et le Conseil Fédéral statue.

“III. Si les pièces produites sont irrégulières ou incomplètes, le Département de Justice et Police propose au Conseil Fédéral de demander par voie diplomatique, à l'État requérant, de les rendre conformes au Traité. Cette demande n'empêche cependant pas le Conseil Fédéral d'ordonner en même temps, s'il le juge nécessaire, les mesures préliminaires prévues sous les Nos. IV et V ci-après.

“IV. Quand le Conseil Fédéral a reconnu que les conditions requises par le Traité d'Extradition existent, et en outre spécialement dans les cas d'urgence prévus par les Traités, il invite le Gouvernement Cantonal sur le territoire duquel l'individu poursuivi est indiqué par l'État requérant comme s'étant réfugié, à le faire rechercher et arrêter aussi promptement que possible.

“V. Si l'État requérant n'a pas précisé le Canton dans lequel le condamné ou le prévenu est présumé résider et après que le Conseil Fédéral a statué sur l'arrestation provisoire, le Département Fédéral de Justice et Police fait publier son signalement de la manière qui lui paraît la plus convenable, en invitant les polices cantonales à s'assurer de sa personne et en cas d'arrestation à en faire rapport.

“VI. Si les recherches prévues aux Nos. IV et V ci-dessus sont infructueuses, les Gouvernements Cantonaux requis en font rapport au Conseil Fédéral, qui avise l'État requérant.

“VII. Si l'individu réclamé est arrêté, le Gouvernement Cantonal en informe à bref délai le Conseil Fédéral; il lui fait con-

naître en même temps si l'application du Traité d'Extradition est contestée, soit par le Gouvernement Cantonal, soit par l'individu réclamé.

“ Dans le premier cas, le Gouvernement Cantonal transmet au Conseil Fédéral les renseignements et les pièces à l'appui de son opinion.

“ Dans le second cas, le Gouvernement Cantonal fait dresser par un fonctionnaire désigné par lui un procès-verbal des motifs d'opposition du prévenu ou du délinquant.

“ VIII. Si aucune contestation n'est élevée quant à l'application du Traité d'Extradition, le Conseil Fédéral accorde l'extradition, en avise l'État requérant par voie diplomatique, et charge le Gouvernement Cantonal de l'exécution. Celui-ci avise le Conseil Fédéral aussitôt qu'elle a eu lieu.

“ IX. En cas de contestation sur l'application du Traité, le Conseil Fédéral déclare que l'Article LVIII de la Loi sur l'Organisation Judiciaire Fédérale est applicable. Il transmet dans ce cas toutes les pièces au Tribunal Fédéral et en avise le Gouvernement Cantonal et, par son intermédiaire, l'individu réclamé.

“ X. Le Tribunal Fédéral prononce à bref délai.

“ Il transmet immédiatement sa décision au Conseil Fédéral.

“ Si l'extradition est accordée, le Conseil Fédéral charge le Gouvernement Cantonal de l'exécution et d'en faire rapport.

“ Si l'extradition est refusée, le Conseil Fédéral ordonne la mise en liberté de l'individu réclamé.

“ Dans les deux cas le Conseil Fédéral informe l'État requérant par voie diplomatique.”

Telle est, Monsieur le Président et Messieurs, la marche que le Conseil Fédéral et le Tribunal Fédéral suivront en matière d'extraditions résultant de Traités internationaux. Quant aux extraditions qui pourraient être demandées par des États avec lesquels la Suisse n'a pas de Traités, elle continue à rester dans la compétence cantonale. Le Conseil Fédéral se bornera par conséquent à les transmettre au Gouvernement du Canton intéressé en l'invitant à statuer et à lui faire connaître sa décision.

Nous comptons, Monsieur le Président et Messieurs, sur votre concours pour la mise à exécution des mesures qui viennent de vous être communiquées, et nous saisissons cette occasion pour vous assurer de notre haute considération.

Berne, le 26 Janvier, 1875.

CERESOLE, *Chef du Département Fédéral de
Justice et Police.*

DANISH LAW, notifying the Iceland Ordinance of February 12, 1872, relative to Fishing Boats.†—Amalienborg, December 17, 1875.*

(Translation.)

WE, Christian IX, by the grace of God King of Denmark, the Vandals and the Goths, Duke of Slesvig, Holstein, Stormarn, Ditmarsken, Lauenburg, and Oldenburg, do make known:—

The Althing has voted, and we have by our consent confirmed, the following Law:—

ART. I. When a foreign fishing ship enters any harbour of Iceland for refuge, and the crew wishes or wants to communicate with the inhabitants, the master of the ship ought, within 24 hours of having dropped her anchor, to give notice thereof to the master of the police or the Repstyrer whom it concerns, who ought then to examine the ship's papers, and to see that the laws on the commerce and taxes of the country be not infringed nor eluded by the crews of such vessels, and, if found necessary, to make without delay researches in this respect.

For the examination of the ship's papers are to be paid to the master of the police or Repstyrer—in case the vessel has not already, during the same fishing expedition, visited an Icelandic harbour where she has had her papers examined—10 ore per ton of the burden of the vessel; in the opposite case, 5 ore per ton: whereupon the muster-roll of the vessel ought to be provided with a visa that such examination has taken place, and the duties prescribed have been paid.

The duties, in such cases where the examination has been made by the Repstyrer on behalf of the master of the police, are to be equally divided between him and the master of the police.

If a foreign vessel runs into a harbour in search of medical assistance against any disease broken out among the crew, the laws of quarantine should be applied.

If any foreign vessel, because of ice or tempestuous weather, is compelled to enter a harbour without any of the crew going on shore or having any communication with the inhabitants, it shall not be necessary to have the ship's papers examined, even if the said vessel remains at anchor until she can run out again without danger.

II. Any infraction of the regulation of this Law is subject to penalties of from 10 to 200 kroner, according to circumstances.

III. The present Law is to replace Article III of the Ordinance concerning the fishing of foreigners near Iceland, &c., of the 12th of February, 1872, which Article is hereby repealed.

* Vol. LXV. Page 606.

† "London Gazette," May 30, 1876.

Whereto all whom it may concern have to conform.

Done at Amalienborg, on the 17th of December, 1875, under our Royal hand and seal,

(L.S.) CHRISTIAN R.

J. NELLEMANN.

CIRCULAR of the Swiss Government, relative to the Declaration exchanged between the British Government and the Canton of Vaud on the 27th August, 1872, respecting Succession and Legacy Duties. [Proposed extension to other Cantons.]—Berne, March 12, 1875.*

FIDÈLES ET CHERS CONFÉDÉRÉS,

LE 27 Août, 1872,* le Conseil Fédéral a signé, au nom du Canton de Vaud, une Déclaration qui fut échangée avec le Gouvernement Britannique relativement aux droits de succession et de mutation qui peuvent être perçus en cas de décès d'un sujet Anglais dans le Canton de Vaud ou d'un citoyen Vaudois en Angleterre. Par note en date du 4 Mars dernier, la Légation de Grande Bretagne à Berne exprime le désir de son Gouvernement de conclure avec les différents cantons Suisses un arrangement semblable à celui qu'il a déjà conclu avec le Canton de Vaud. Elle prie, en conséquence, le Conseil Fédéral de porter ce vœu à la connaissance des Gouvernements Cantonaux et de leur demander s'ils sont disposés à entrer en négociations avec le Gouvernement Britannique pour l'échange de déclarations sur la question des droits de succession et à accepter un arrangement de la nature de celui qui est renfermé dans la Déclaration du 27 Août, 1872.

Nous faisons droit à la demande de la Légation Britannique en envoyant à tous les États Confédérés, sauf au Canton de Vaud, la présente Circulaire, à laquelle nous joignons le texte de la Déclaration du 27 Août, 1872.

Nous vous prions, en conséquence, de bien vouloir examiner les propositions du Gouvernement Britannique, et nous communiquer la réponse que vous estimerez devoir y faire. Vous aurez à répondre en particulier aux 3 questions suivantes :—

1. Êtes-vous disposés à conclure un arrangement avec la Grande Bretagne relativement à la levée des droits de succession ou de mutation sur la fortune des citoyens de votre canton établis en Angleterre et des sujets Anglais établis dans votre canton ?

2. Dans le cas où vous répondriez affirmativement à cette première question, voulez-vous échanger une Déclaration semblable à

celle qui a été échangée par le Gouvernement Vaudois en cette matière ?

3. Avez-vous à y proposer des modifications ou des additions, et quelles sont-elles ?

Lorsque tous les Gouvernements Cantonaux auront répondu à ces diverses questions, nous transmettrons leurs observations à la Légation d'Angleterre.

Nous saisissons cette occasion, fidèles et chers Confédérés, pour vous recommander avec nous à la protection divine.

Au nom du Conseil Fédéral Suisse,

SCHERER, *le Président de la Confédération.*

STRAUSS, *le Chancelier de la Confédération.*

PROTOCOL between Italy and Egypt, relative to Consular Jurisdiction in Egypt.—Signed at Cairo, January 23, 1875.

Son Excellence Chérif Pacha, Ministre de la Justice de Son Altesse le Khédive, et M. le Commandeur de Martino, Agent et Consul-Général de Sa Majesté le Roi d'Italie, dûment autorisés par leurs Gouvernements respectifs, sont convenus de ce qui suit.

L'accord résultant de l'échange des notes passées à Constantinople entre son Excellence Nubar Pacha, Ministre des Affaires Étrangères de Son Altesse le Khédive, et M. le Comte Barbolani, Ministre d'Italie, le 24 Janvier et 1 Mars, 1873, est ratifié et sera mis en exécution, avec la seule réserve, de la part du Gouvernement Italien, de l'approbation du Parlement.

Seront regardés comme faisant partie de l'accord susénoncé :—

1. Le Règlement judiciaire avec tous ses annexes ;
2. Le Procès-Verbal du 10 Novembre, 1874,* signé à Alexandrie entre son Excellence Chérif Pacha, Ministre de la Justice, et M. le Marquis de Cazaux, Agent et Consul-Général de France. Copie de ce Procès-Verbal est annexée au présent Protocole.

Les mesures transitoires convenues avec d'autres Puissances seront étendues aux sujets de Sa Majesté le Roi d'Italie qui en réclameront l'application.

En foi de quoi le présent Protocole a été signé en double.

Au Caire, aujourd'hui, 23 Janvier, 1875.

CHÉRIF.

G. DE MARTINO.

ANNEXE.

RÈGLEMENT D'ORGANISATION JUDICIAIRE POUR LES PROCÈS
MIXTES EN ÉGYPTÉ.TITRE I.—*Jurisdiction en Matière Civile et Commerciale.*CHAPITRE I.—*Tribunaux de Première Instance et Cour d'Appel.*§ 1.—*Institution et Composition.*

ART. I. Il sera institué 3 Tribunaux de Première Instance : à Alexandrie, au Caire, et à Zagazig.

II. Chacun de ces Tribunaux sera composé de 7 Juges : 4 étrangers et 3 indigènes.

Les sentences seront rendues par 5 Juges, dont 3 étrangers et 2 indigènes.

L'un des Juges étrangers présidera avec le titre de Vice-Président, et sera désigné par la majorité absolue des membres étrangers et indigènes du tribunal.

Dans les affaires commerciales, le Tribunal s'adjoindra deux négociants, un indigène et un étranger, ayant voix délibérative et choisis par voie d'élection.

III. Il y aura à Alexandrie une Cour d'Appel composée de 11 magistrats, 4 indigènes et 7 étrangers.

L'un des magistrats étrangers présidera sous le titre de Vice-Président, et sera désigné de la même manière que les Vice-Présidents des Tribunaux.

Les arrêts de la Cour d'Appel seront rendus par 8 magistrats, dont 5 étrangers et 3 indigènes.

IV. Le nombre des magistrats de la Cour d'Appel et des Tribunaux pourra être augmenté, si la Cour en signale la nécessité pour le besoin du service, sans altérer la proportion fixée entre les Juges indigènes et étrangers.

En attendant, dans le cas d'absence ou d'empêchement de plusieurs Juges à la fois de la Cour d'Appel, ou du même Tribunal, le Président de la Cour pourra les faire suppléer, s'il s'agit de Juges étrangers, par leurs collègues des autres Tribunaux ou par les magistrats étrangers de la Cour d'Appel ; lorsque l'un des magistrats de la Cour sera ainsi délégué à intervenir aux audiences d'un des Tribunaux, il en aura la présidence.

V. La nomination et le choix des Juges appartiendront au Gouvernement Égyptien, mais, pour être rassuré lui-même sur les garanties que présenteront les personnes dont il fera choix, il s'adressera officiellement aux Ministres de la Justice à l'étranger, et n'engagera que les personnes munies de l'acquiescement et de l'autorisation de leur Gouvernement.

VI. Il y aura dans la Cour d'Appel et dans chaque Tribunal un

greffier et plusieurs commis-greffiers assermentés, par lesquels il pourra se faire remplacer.

VII. Il y aura aussi près la Cour d'Appel et de chaque Tribunal des interprètes assermentés en nombre suffisant, et le personnel d'huissiers nécessaires qui seront chargés du service de l'audience, de la signification des actes, et de l'exécution des sentences.

VIII. Les greffiers, huissiers, et interprètes seront d'abord nommés par le Gouvernement, et, quant aux greffiers, ils seront choisis pour la première fois, à l'étranger, parmi les officiers ministériels qui exercent ou qui ont déjà exercé, ou parmi les personnes aptes à remplir les mêmes fonctions à l'étranger; et pourront être révoqués par le Tribunal auquel ils seront attachés.

§ 2.—*Compétence.*

IX. Ces Tribunaux connaîtront seul de toutes les contestations en matière civile et commerciale entre indigènes et étrangers, et entre étrangers de nationalités différentes en dehors du statut personnel.

Ils connaîtront aussi de toutes les actions réelles immobilières entre toutes personnes, même appartenant à la même nationalité.

X. Le Gouvernement, les administrations, les Dairas de Son Altesse le Khédive et des membres de sa famille, seront justiciables de ces Tribunaux dans les procès avec les étrangers.

XI. Ces Tribunaux, sans pouvoir statuer sur la propriété du domaine public ni interpréter ou arrêter l'exécution d'une mesure administrative, pourront juger, dans les cas prévus par le Code Civil, les atteintes portées à un droit acquis d'un étranger, par un acte d'administration.

XII. Ne sont pas soumises à ces Tribunaux les demandes des étrangers contre un établissement pieux en revendication de la propriété d'immeubles possédés par cet établissement; mais ils seront compétents pour statuer sur la demande intentée sur la question de possession légale, quel que soit le demandeur ou le défendeur.

XIII. Le seul fait de la constitution d'une hypothèque en faveur d'un étranger sur les biens immeubles, quels que soient le possesseur et le propriétaire, rendra ces Tribunaux compétents pour statuer sur la validité de l'hypothèque et sur toutes ses conséquences, jusques et y compris la vente forcée de l'immeuble, ainsi que la distribution du prix.

XIV. Les Tribunaux délègueront un des magistrats qui, agissant en qualité de Juge de Paix, sera chargé de concilier les parties et de juger les affaires dont l'importance sera fixée par le Code de Procédure.

§ 3.—*Audiences.*

XV. Les audiences seront publiques, sauf les cas où le tribunal,

par une décision motivée, ordonnera l'huis-clos dans l'intérêt des bonnes mœurs ou de l'ordre public ; la défense sera libre.

XVI. Les langues judiciaires employées devant le Tribunal pour les plaidoiries et la rédaction des actes et sentences seront les langues du pays, l'Italien et le Français.

XVII. Les personnes ayant le diplôme d'avocat seront seules admises à représenter et défendre les parties devant la Cour d'Appel.

§ 4.—*Exécution des Sentences.*

XVIII. L'exécution des jugements aura lieu en dehors de toute action administrative Consulaire ou autre, et sur l'ordre du Tribunal. Elle sera effectuée par les huissiers du Tribunal, avec l'assistance des autorités locales, si cette assistance devient nécessaire, mais toujours en dehors de toute ingérence administrative.

Seulement, l'officier de justice chargé de l'exécution par le Tribunal est obligé d'avertir les Consuls du jour et de l'heure de l'exécution, et ce à peine de nullité et de dommages-intérêts contre lui. Le Consul, ainsi averti, a la faculté de se trouver présent à l'exécution ; mais en cas d'absence il sera passé outre à l'exécution.

§ 5.—*Inamovibilité des Magistrats ; Avancement ; Incompatibilité ; Discipline.*

XIX. Les magistrats qui composent la Cour d'Appel et les Tribunaux seront inamovibles.

L'inamovibilité ne subsistera que pendant la période quinquennale. Elle ne sera définitivement admise qu'après ce délai d'épreuve.

XX. L'avancement des magistrats et leur passage d'un Tribunal à un autre n'auront lieu que de leur consentement et sur le vote de la Cour d'Appel, qui prendra l'avis des Tribunaux intéressés.

XXI. Les fonctions de magistrat, de greffier, commis-greffier, interprète, et huissier, seront incompatibles avec toutes autres fonctions salariées et avec la profession de négociant.

XXII. Les magistrats ne seront point l'objet, de la part de l'Administration Égyptienne, de distinctions honorifiques ou matérielles.

XXIII. Tous les Juges de la même catégorie recevront les mêmes appointements. L'acceptation d'une rémunération en dehors de ces appointements, d'une augmentation des appointements, de cadeaux de valeur ou d'autres avantages matériels, entraîne, pour le Juge, la déchéance de l'emploi et du traitement, sans aucun droit à une indemnité.

XXIV. La discipline des magistrats, des officiers de justice, et des avocats est réservée à la Cour d'Appel. La peine disciplinaire applicable aux magistrats, pour les faits qui compromettent leur honorabilité comme magistrat ou l'indépendance de leurs votes, sera

la révocation et la perte du traitement sans aucun droit à une indemnité. La peine applicable aux avocats pour les faits qui compromettent leur honorabilité, sera la radiation de la liste des avocats admis à plaider devant la Cour, et le jugement devra être rendu par la Cour en réunion générale à la majorité des trois-quarts des conseillers présents.

XXV. Toute plainte présentée au Gouvernement par un membre du Corps Consulaire contre les Juges, pour cause disciplinaire, devra être déférée à la Cour, qui sera tenue d'instruire l'affaire.

CHAPITRE II.—*Parquet.*

XXVI. Il sera institué un parquet à la tête duquel sera un Procureur-Général.

XXVII. Le Procureur-Général aura sous sa direction, auprès de la Cour d'Appel et des Tribunaux, des substituts en nombre suffisant pour le service des audiences et la police judiciaire.

XXVIII. Le Procureur-Général pourra siéger à toutes les chambres de la Cour et des Tribunaux, à toutes les Cours Criminelles, et à toutes les assemblées générales de la Cour et des Tribunaux.

XXIX. Le Procureur Général et ses substituts seront amovibles, et ils seront nommés par Son Altesse le Khédive.

§ 6.—*Dispositions Spéciales et Transitoires.*

XXX. Le droit de récusation péremptoire des magistrats, des interprètes, et des traductions écrites, sera réservé pour toutes les parties.

XXXI. Il y aura, dans chaque greffe des Tribunaux de Première Instance, un employé du *Mehkéme* qui assistera le greffier dans les actes translatifs de propriété immobilière et de constitution de droit de privilège immobilier, et en dressera acte, qu'il transmettra au *Mehkéme*.

XXXII. Il y aura également auprès du *Mehkéme* des commis délégués par le greffier du Tribunal de Première Instance, qui devront lui transmettre, pour être transcrits d'office au registre des hypothèques, les actes translatifs de propriété immobilière et de constitution de gage immobilier.

Ces transmissions seront faites sous peine de dommages-intérêts et de poursuite disciplinaire, et sans que l'omission entraîne nullité.

XXXIII. Les conventions, donations, et les actes de constitution d'hypothèque ou translatifs de propriété immobilière, reçus par le greffier du Tribunal de Première Instance, auront la valeur d'actes authentiques, et leur original sera déposé dans les archives du greffe.

XXXIV. Les nouveaux Tribunaux, dans l'exercice de leur juridiction en matière civile et commerciale et dans la limite de celle

qui leur est consentie en matière pénale, appliqueront les codes présentés par l'Égypte aux Puissances, et en cas de silence, d'insuffisance et d'obscurité de la loi, le Juge se conformera aux principes du droit naturel et aux règles de l'équité.

XXXV. Le Gouvernement fera publier un mois avant le fonctionnement des nouveaux Tribunaux, les codes, dont un exemplaire en chacune des langues judiciaires sera déposé jusqu'à ce fonctionnement dans chaque *Mudirieh*, auprès de chaque Consulat, et aux greffes de la Cour d'Appel et des Tribunaux, qui en conserveront toujours un exemplaire.

XXXVI. Il publiera également les lois relatifs au statut personnel des indigènes, un tarif des frais de justice, les ordonnances sur le régime des terres, des digues et canaux.

XXXVII. La Cour préparera le règlement général judiciaire en ce qui concerne la police de l'audience, la discipline des tribunaux, des officiers de justice, des avocats, et les devoirs des mandataires représentant les parties à l'audience, l'admission des personnes indigentes au bureau d'assistance judiciaire, l'exercice du droit de récusation péremptoire, et la manière de procéder, en cas de partage des votes, pour les jugements de la Cour d'Appel.

Le projet de règlement ainsi préparé sera transmis aux Tribunaux de Première Instance pour leurs observations, et, après une nouvelle délibération de la Cour, qui sera définitive, rendu exécutoire par décret du Ministre de la Justice.

XXXVIII. Les Tribunaux en matière civile et commerciale ne commenceront à connaître des causes mixtes qu'un mois après leur installation.

XXXIX. Les causes déjà commencées devant les Consulats étrangers au moment de l'installation des tribunaux seront jugées devant leur ancien forum jusqu'à leur solution définitive. Elles pourront cependant, à la demande des parties et avec le consentement de tous les intéressés, être référées aux nouveaux Tribunaux.

XL. Les nouvelles lois et la nouvelle organisation judiciaire n'auront pas d'effet rétroactif.

TITRE II.—*Jurisdiction en Matière Pénale en ce qui concerne les Inculpés Étrangers.*

CHAPITRE I.—*Tribunaux des Contraventions, de Police Correctionnelle, et Cour d'Assises.*

§ I.—*Composition.*

ART. I. Le Juge des contraventions à la charge des étrangers sera un des membres étrangers du Tribunal.

II. La Chambre du Conseil, aussi bien en matière de délits qu'en matière de crimes, sera composée de 3 Juges, dont un indigène et deux étrangers, et de 4 assesseurs étrangers.

III. Le Tribunal Correctionnel aura la même composition.

IV. La Cour d'Assises sera composée de 3 conseillers, dont un indigène et deux étrangers.

Les 12 jurés seront étrangers.

Dans ces divers cas la moitié des assesseurs et des jurés sera de la nationalité de l'inculpé, s'il le demande. Dans le cas où la liste des jurés ou des assesseurs de la nationalité de l'accusé serait insuffisante, il désignera la nationalité à laquelle ils devront appartenir pour compléter le nombre voulu.

V. Lorsqu'il y aura plusieurs inculpés, chacun d'eux aura droit de demander un nombre égal d'assesseurs ou de jurés, sans que le nombre des assesseurs ou jurés puisse être augmenté, et sauf à déterminer par la voie du sort ceux des inculpés qui, à raison de ce nombre, ne pourront exercer leur droit.

§ 2.—*Compétence.*

VI. Seront soumises à la juridiction des Tribunaux Égyptiens les poursuites pour contraventions de simple police, et, en outre, les accusations portées contre les auteurs et complices des crimes et délits suivants.

VII. Crimes et délits commis directement contre les magistrats, les jurés et les officiers de justice dans l'exercice ou à l'occasion de l'exercice de leurs fonctions, savoir :—

(a.) Outrages par gestes, paroles ou menaces ;

(b.) Calomnies, injures, pourvu qu'elles aient été proférées soit en présence du magistrat, du juré ou de l'officier de justice, soit dans l'enceinte du Tribunal, ou publiées par voie d'affiches, d'écrits, d'imprimés, de gravures, ou d'emblèmes ;

(c.) Voies de fait contre leur personne, comprenant les coups, blessures, et homicide volontaire avec ou sans préméditation ;

(d.) Voies de fait exercées contre eux ou menaces à eux faites pour obtenir un acte injuste ou illégal, ou l'abstention d'un acte juste ou légal ;

(e.) Abus par un fonctionnaire public de son autorité contre eux dans le même but ;

(f.) Tentative de corruption exercée directement contre eux ;

(g.) Recommandation donnée à un Juge par un fonctionnaire public en faveur d'une des parties.

VIII. Crimes et délits commis directement contre l'exécution des sentences et des mandats de justice, savoir :—

(a.) Attaque ou résistance avec violence ou voies de fait contre les magistrats en fonctions, ou des officiers de justice instrumentant ou agissant légalement pour l'exécution des sentences ou de mandats de justice, ou contre les dépositaires ou agents de la force publique chargés de prêter main-forte à cette exécution ;

(b.) Abus d'autorité de la part d'un fonctionnaire public pour empêcher l'exécution ;

(c.) Vol de pièces judiciaires dans le même but ;

(d.) Bris de scellés apposés par l'autorité judiciaire, détournement d'objets saisis en vertu d'une ordonnance ou d'un jugement ;

(e.) Évasion de prisonniers détenus en vertu d'un mandat ou d'une sentence et actes qui ont directement procuré cette évasion ;

(f.) Recel des prisonniers évadés dans le même cas.

IX. Les crimes et délits imputés aux juges, jurés, et officiers de justice, quand ils seront accusés de les avoir commis dans l'exercice de leurs fonctions ou par suite d'un abus de ces fonctions, savoir :—

Outre les crimes et délits communs qui pourront leur être imputés dans ces circonstances, les crimes et délits spéciaux sont :—

(a.) Sentence injuste rendue par faveur ou inimité ;

(b.) Corruption ;

(c.) Non révélation de la tentative de corruption ;

(d.) Dénî de justice ;

(e.) Violences exercées contre les particuliers ;

(f.) Violation du domicile sans les formalités légales ;

(g.) Exactions ;

(h.) Détournement de deniers publics ;

(i.) Arrestation illégale ;

(j.) Faux dans les sentences et actes.

X. Dans les dispositions qui précèdent sont compris, sous la désignation d'officiers de justice, les greffiers, les commis-greffiers assermentés, les interprètes attachés au Tribunal, et les huissiers titulaires, mais non les personnes chargées accidentellement par délégation du Tribunal d'une signification ou d'un acte d'huissier.

La dénomination de magistrats comprend les assesseurs.

CHAPITRE II.—*Dérogation au Code d'Instruction Criminelle dans le jugement des Contraventions des Crimes et Délits à la charge des Étrangers.*

§. 1.—*Poursuite.*

XI. Lorsqu'un membre du Corps Consulaire dénoncera un fait délictueux à la charge d'un magistrat, ou d'un officier de justice, le Gouvernement devra donner les ordres nécessaires au Ministre Public, qui sera tenu de suivre sur la dénonciation.

XII. Toutes les poursuites pour crimes et délits feront l'objet d'une instruction qui sera soumise à une Chambre du Conseil.

XIII. Le Consul de l'inculpé sera sans délai avisé de toute poursuite pour crime ou délit intentée contre son administré.

§ 2.—*Instruction.*

XIV. L'instruction ainsi que les débats auront lieu dans celle des langues judiciaires que connaîtrait l'inculpé.

XV. Toute instruction contre un étranger, ainsi que la direction des débats lors du jugement, appartiendront à un magistrat étranger, tant en matière de simple police qu'en matière criminelle ou correctionnelle.

XVI. Si l'inculpé d'un crime ou d'un délit n'a pas de défenseur, il lui en sera désigné un d'office, au moment de l'interrogatoire, à peine de nullité.

XVII. Jusqu'à ce qu'il soit constaté qu'il existe en Égypte une installation suffisante des lieux de détention, les inculpés arrêtés préventivement seront livrés au Consul immédiatement après l'interrogatoire et dans les 24 heures de l'arrestation au plus tard, à moins que le Consul n'ait autorisé la détention dans la prison du Gouvernement.

XVIII. Le témoin qui refusera de répondre, soit au juge d'instruction, soit devant un tribunal du jugement, pourra être condamné à la peine de l'emprisonnement, qui variera d'une semaine à un mois en matière de délit, et qui pourra être portée à 3 mois en matière de crime, ou, en tout cas, à une amende de 100 à 4,000 piastres Égyptiennes.

Ces peines seront prononcées, suivant le cas, par le Tribunal ou la Cour.

XIX. Les seuls témoins qui pourront être récusés sont les ascendants, les descendants, et les frères et sœurs de l'inculpé, ou ses alliés au même degré et son conjoint même divorcé, sans que l'audition des personnes ci-dessus entraîne nullité lorsque ni le Ministère Public, ni la partie civile, ni l'inculpé ne les aura récusés.

XX. Lorsque dans le cours d'une instruction, il y aura lieu de procéder à une visite domiciliaire, le Consul de l'inculpé sera avisé.

Il sera dressé procès-verbal de l'avis donné au Consul.

Copie de ce procès-verbal sera laissée au Consulat au moment de l'interpellation.

XXI. Hors le cas de flagrant délit, ou d'appel de secours de l'intérieur, l'entrée du domicile pendant la nuit ne pourra avoir lieu qu'en présence du Consul ou de son délégué, s'il ne l'a pas autorisée hors sa présence.

§ 3.—*Règlement de la Compétence dans les Conflits de Juridiction.*

XXII. Trois jours avant la réunion de la Chambre du Conseil, la communication des pièces de l'instruction sera faite au greffe, au Consul, ou à son délégué.

Il devra, sous peine de nullité, être délivré au Consul expédition des pièces dont il demandera copie.

XXIII. Si, sur la communication des pièces, le Consul de l'inculpé prétend que l'affaire appartient à sa juridiction, et qu'elle doit être déférée à son tribunal, la question de compétence, si elle

est contestée par le Tribunal Égyptien, sera soumise à l'arbitrage d'un conseil composé de deux conseillers ou juges, désignés par le Président de la Cour, et de deux Consuls choisis par le Consul de l'inculpé.

XXIV. Lorsque le Juge d'Instruction et le Consul instruiront en même temps sur le même fait, si l'un ou l'autre ne croit pas devoir se reconnaître incompetent, le conseil des conflits devra être réuni pour régler le différend à la demande de l'un des deux.

Il est bien entendu que le conflit ne pourra jamais être soulevé par le Juge d'Instruction à l'occasion d'un crime ou d'un délit ordinaire; de plus le crime ou le délit qu'il prétendra avoir été commis devra être qualifié, par le réquisitoire dont il aura été saisi, conformément aux catégories ci-dessus des faits attribués aux nouveaux Tribunaux. Enfin, si le magistrat ou l'officier de justice offensé a porté sa plainte devant le tribunal Consulaire, ce tribunal statuera sur la plainte sans qu'il y ait possibilité de conflit.

XXV. Le Tribunal qui, après que les formalités ci-dessus auront été remplies, restera saisi de l'affaire, statuera sur cette affaire sans qu'il puisse y avoir lieu ultérieurement à déclaration d'incompétence.

§ 4.—*Débats devant la Cour d'Assises.*

XXVI. Devant la Cour d'Assises, quand les débats seront clos, et les questions à poser aux Juges arrêtées, le Président résumera l'affaire et les principales preuves pour ou contre l'accusé.

§ 5.—*De l'Appel et du Pourvoi contre les Jugements de Condamnation.*

XXVII. Les appels, quand ils sont permis en matière de contravention, contre les jugements du tribunal de simple police, seront portés devant le Tribunal Correctionnel.

XXVIII. Les pourvois dans le cas où ils sont autorisés par le Code d'Instruction Criminelle contre les jugements de condamnation en matière pénale, seront portés devant la Cour composée comme en matière civile.

Les conseillers ayant siégé dans la Cour d'Assises ne pourront connaître du pourvoi élevé contre l'arrêt de la Cour.

§ 6.—*Établissement de la Liste des Jurés et Choix des Assesseurs.*

XXIX. La liste des jurés de nationalité étrangère sera dressée annuellement par le Corps Consulaire.

À cet effet, chaque Consul adressera au doyen du Corps Consulaire la liste de ses nationaux qui remplissent, d'après lui, les conditions voulues pour être jurés. Les jurés devront avoir l'âge de 30 ans et une résidence en Égypte d'un an au moins.

XXX. La liste définitive sera dressée par le Corps Consulaire sur les listes partielles, en procédant par voie d'élimination, jusqu'à ce que le total des jurés atteigne et n'excède pas le nombre de 250.

XXXI. Chaque nationalité pourra avoir un maximum de 30 jurés, et un minimum de 18 jurés, pourvu que, dans ce dernier cas, la composition de la nationalité le permette.

XXXII. Les assesseurs correctionnels seront choisis par le Corps Consulaire sur la liste des jurés.

XXXIII. Le minimum des assesseurs sera de 6, et le maximum de 12 par nationalité.

XXXIV. Lorsqu'un délit correctionnel devra être jugé dans une ville où il ne se trouvera pas un nombre suffisant d'assesseurs étrangers, la Cour désignera les assesseurs du tribunal voisin qui devront venir siéger.

XXXV. Les assesseurs et jurés qui ne comparaitront pas pour remplir leurs fonctions seront condamnés par le Tribunal ou la Cour, suivant les cas, à une amende de 200 à 4,000 piastres Égyptiennes, à moins d'excuse légitime.

§ 7.—*Exécution.*

XXXVI. Jusqu'à ce qu'il soit constaté qu'une installation suffisante des lieux de détention existe réellement en Égypte, les condamnés à l'emprisonnement seront, si le Consul le demande, détenus dans les prisons Consulaires.

XXXVII. Le Consul dont l'administré subira sa peine dans les établissements du Gouvernement Égyptien aura le droit de visiter les lieux de détention et d'en vérifier l'état.

XXXVIII. En cas de condamnation à la peine capitale, MM. les Représentants des Puissances auront la faculté de réclamer leur administré.

À cet effet un délai suffisant interviendra entre le prononcé et l'exécution de la sentence, pour donner aux Représentants des Puissances le temps de se prononcer.

TITRE III.

§ 1.—*Disposition Spéciale.*

XXXIX. Il sera établi près des nouveaux Tribunaux un nombre suffisant d'agents choisis par les Tribunaux eux-mêmes, pour pouvoir, quand il n'y aura pas péril en la demeure, assister au besoin les magistrats et les officiers de justice dans leurs fonctions.

§ 2.—*Disposition Finale.*

XL. Pendant la période quinquennale, aucun changement ne devra avoir lieu dans le système adopté.

Après cette période, si l'expérience n'a pas confirmé l'utilité pratique de la réforme judiciaire, il sera loisible aux Puissances soit

de revenir à l'ancien ordre de choses, soit d'aviser d'accord avec le Gouvernement Égyptien à d'autres combinaisons.

CONSULAR CONVENTION between Italy and Russia.—

Signed at St. Petersburg, April $\frac{1}{2}$, 1875.

[Ratifications exchanged, August $\frac{1}{3}$, 1875.]

SA MAJESTÉ le Roi d'Italie et SA MAJESTÉ l'Empereur de Toutes les Russies, désirant déterminer les droits, privilèges et immunités réciproques des Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires, Chanceliers, ou Secrétaires, ainsi que leurs fonctions et les obligations auxquelles ils seront respectivement soumis en Italie et en Russie, ont résolu de conclure une Convention Consulaire, et ont nommé, à cet effet, pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi d'Italie, le Comte Raphaël Ulysse Barbolani, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies, Grand Officier de l'Ordre des SS. Maurice et Lazare, Commandeur de l'Ordre de la Couronne d'Italie, Chevalier de l'Ordre de St. Stanislas de la première classe, &c. ; et

Sa Majesté l'Empereur de Toutes les Russies, le Prince Alexandre Gortchacow, son Chancelier de l'Empire, Membre du Conseil de l'Empire, ayant le portrait de Sa Majesté l'Empereur, enrichi de diamants, Chevalier des Ordres Russes—de St. André enrichi de diamants, de St. Vladimir de la première classe, de St. Alexandre Nevsky, de l'Aigle Blanc, de Ste. Anne de la première classe, et de St. Stanislas de la première classe ; de l'Ordre de l'Annonciade d'Italie, de la Toison d'Or d'Espagne, Grand-Croix de la Légion d'Honneur de France, de St. Étienne d'Autriche, de l'Aigle Noir de Prusse en diamants, et de plusieurs autres ordres étrangers ;

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Chacune des Hautes Parties Contractantes aura la faculté d'établir des Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires dans les ports ou places de commerce du territoire de l'autre partie, y compris les possessions d'outremer et les colonies ; elles se réservent toutefois respectivement le droit de désigner les localités qu'elles jugeraient convenable d'excepter, pourvu que cette réserve soit également appliquée à toutes les Puissances.

Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires entreront en fonctions après avoir été admis et reconnus dans les formes usitées par le Gouvernement du pays où ils sont appelés à résider.

II. Les Consuls-Généraux, Consuls, ainsi que les Vice-Consuls ou Agents Consulaires, sujets de l'État qui les nomme, jouiront de l'exemption des logements et des contributions militaires, des contributions directes, personnelles, mobilières, et somptuaires, imposées par l'État ou par les communes, à moins qu'ils ne possèdent des biens immeubles, qu'ils ne fassent le commerce ou qu'ils n'exercent quelque industrie, dans lesquels cas ils seront soumis aux mêmes taxes, charges, et impositions que les autres particuliers.

Ils ne pourront être ni arrêtés ni conduits en prison, excepté pour les faits et actes qui, d'après la législation du pays où l'infraction a été commise, entraînent une peine de plus d'un an d'emprisonnement ou une peine afflictive ou infamante. S'ils sont négociants, la contrainte par corps ne pourra leur être appliquée que pour les seuls faits de commerce et non pour causes civiles.

III. Les Consuls-Généraux, Consuls, et leurs Chanceliers, ainsi que les Vice-Consuls et Agents Consulaires, sont tenus de fournir leur témoignage en justice, lorsque les tribunaux du pays le jugeront nécessaire. Mais l'autorité judiciaire devra, dans ce cas, les inviter, par lettre officielle, à se présenter devant elle.

En cas d'empêchement des dits Agents, mais dans les causes civiles seulement, l'autorité judiciaire se transportera à leur domicile, pour recevoir leur témoignage de vive voix, ou le leur demandera par écrit, suivant les formes particulières à chacun des deux États. Les dits Agents devront satisfaire au désir de l'autorité dans le délai qui leur sera indiqué.

IV. Les Consuls-Généraux, Consuls, Vice-Consuls, et Agents Consulaires pourront placer, au-dessus de la porte extérieure du Consulat ou Vice-Consulat l'écusson des armes de leur nation, avec cette inscription : " Consulat, Vice-Consulat, ou Agence Consulaire de . . . "

Ils pourront également, dans les résidences maritimes, arborer le pavillon de leur pays sur la maison Consulaire, ainsi que sur le bateau qu'ils monteraient, dans le port, pour l'exercice de leurs fonctions.

Il est bien entendu que ces marques extérieures ne pourront jamais être interprétées comme constituant un droit d'asile, mais serviront, avant tout, à désigner aux marins ou aux nationaux l'habitation Consulaire.

V. Les archives Consulaires seront inviolables en tout temps, et les autorités locales ne pourront, sous aucun prétexte, ni dans aucun cas, visiter ni saisir les papiers qui en feront partie.

Ces papiers devront toujours être complètement séparés des

livres et papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls, ou Agents Consulaires respectifs.

VI. En cas d'empêchement, d'absence, ou décès des Consuls-Généraux, Consuls, ou Vice-Consuls, les Chanceliers et Secrétaires qui auront été présentés antérieurement en leur dite qualité aux autorités respectives seront admis de plein droit à exercer, par intérim, les fonctions Consulaires, et ils jouiront, pendant ce temps, des exemptions et privilèges qui y sont attachés par la présente Convention.

VII. Les Consuls-Généraux et Consuls pourront nommer des Vice-Consuls et des Agents Consulaires dans les villes, ports, et localités de leur circonscription Consulaire, sauf l'approbation du Gouvernement territorial.

Ces Agents pourront être indistinctement choisis parmi les sujets des deux pays comme parmi les étrangers, et seront munis d'un brevet délivré par le Consul qui les aura nommés et sous les ordres duquel ils devront être places. Ils jouiront des privilèges et exemptions stipulés par la présente Convention, sauf les exceptions consacrées par les Articles II et III. Il est spécialement entendu, en effet, que lorsqu'un Consul ou Agent Consulaire établi dans un port ou dans une ville de l'un des deux pays sera choisi parmi les sujets de ce pays, ce Consul ou Agent continuera à être considéré comme sujet de la nation à laquelle il appartient, et qu'il sera, par conséquent, soumis aux lois et règlements qui régissent les nationaux dans le lieu de sa résidence, sans que cependant cette obligation puisse gêner en rien l'exercice de ses fonctions, ni porter atteinte à l'inviolabilité des archives Consulaires.

VIII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires des deux pays pourront, dans l'exercice des pouvoirs qui leur sont attribués, s'adresser aux autorités de leur circonscription Consulaire, pour réclamer contre toute infraction aux Traités ou Conventions existant entre les deux pays et contre tout abus dont leurs nationaux auraient à se plaindre. Si leurs réclamations n'étaient pas accueillies par ces autorités, ils pourraient avoir recours, à défaut d'un Agent Diplomatique de leur pays, au Gouvernement de l'État dans lequel ils résideraient.

IX. Les Consuls-Généraux, Consuls, et leurs Chanceliers, ainsi que les Vice-Consuls et Agents Consulaires des deux pays, auront le droit de recevoir dans leur chancelleries, au domicile des parties, et à bord des navires de leur nation, les déclarations que pourront avoir à faire les capitaines, les gens de l'équipage et les passagers, les négociants et tous autres sujets de leur pays.

Ils seront, en outre, autorisés à recevoir, comme notaires, et d'après les lois de leur pays :—

1. Les dispositions testamentaires de leurs nationaux et tous autres actes notariés les concernant, y compris les contrats de toute espèce. Mais, si ces contrats ont pour objet une constitution d'hypothèque ou toute autre transaction sur des immeubles situés dans le pays où le Consul réside, ils devront être dressés dans les formes requises et selon les dispositions spéciales des lois de ce même pays ;

2. Toutes actes passés entre un ou plusieurs de leurs nationaux et d'autres personnes du pays dans lequel ils résident, et même les actes passés entre des sujets de ce dernier pays seulement, pourvu que ces actes se rapportent exclusivement à des biens situés ou à des affaires à traiter sur le territoire de la nation à laquelle appartient le Consul ou l'Agent devant lequel ces actes seront passés.

Ils pourront également traduire et légaliser toute espèce d'actes et de documents émanés des autorités ou fonctionnaires de leur pays.

Tous les actes ci-dessus mentionnés, ainsi que les copies, extraits ou traductions de ces actes, dûment légalisés par les dits Agents, et scellés du sceau officiel des Consulats et Vice-Consulats, auront, dans chacun des deux pays, la même force et valeur que s'ils avaient été passés devant un notaire ou autres officiers publics ministériels compétents dans l'un ou l'autre des deux États, pourvu que ces actes aient été soumis aux droits de timbre, d'enregistrement ou à toute autre taxe ou imposition établie dans le pays où ils devront recevoir leur exécution.

X. Les Consuls-Généraux, Consuls, et Vice-Consuls, ou Agents Consulaires pourront aller personnellement ou envoyer des délégués à bord des navires de leur nation, après qu'ils auront été admis en libre pratique, interroger le capitaine et l'équipage, examiner les papiers de bord, recevoir les déclarations sur leur voyage, leur destination et les incidents de la traversée, dresser les manifestes et faciliter l'expédition de leur navire, enfin les accompagner devant les tribunaux et dans les bureaux de l'administration du pays, pour leur servir d'interprètes et d'agents dans les affaires qu'ils auront à suivre ou les demandes qu'ils auront à former, sauf dans les cas prévus par les lois commerciales des deux pays, aux dispositions desquelles la présente clause n'apporte aucune dérogation.

Les fonctionnaires de l'ordre judiciaire et les officiers et agents de la douane du pays ne pourront, dans les ports où réside un Consul ou un Agent Consulaire de l'un des deux États respectifs, opérer ni recherches ni visites (autres que les visites ordinaires de la douane) à bord des navires de commerce, sans en avoir donné préalablement avis au dit Consul ou Agent, afin qu'il puisse assister à la visite.

L'invitation qui sera adressée à cet effet aux Consuls, Vice-

Consul, ou Agents Consulaires, indiquera une heure précise, et s'ils négligeaient de s'y rendre en personne, ou de s'y faire représenter par un délégué, il sera procédé en leur absence.

Il est bien entendu que le présent Article ne s'applique pas aux mesures prises par les autorités locales, conformément aux règlements de la douane et de la santé, lesquels continueront d'être appliqués en dehors du concours des autorités Consulaires.

XI. En tout ce qui concerne la police des ports, le chargement et le déchargement des navires, et la sûreté des marchandises, biens et effets, on observera les lois, ordonnances, et règlements du pays.

Les Consuls et Vice-Consuls ou Agents Consulaires seront chargés exclusivement du maintien de l'ordre intérieur à bord des navires de leur nation; en conséquence, ils régleront eux-mêmes les contestations de toute nature qui seraient survenues entre le capitaine, les officiers du navire et les matelots, et spécialement celles relatives à la solde et à l'accomplissement des engagements réciproquement contractés.

Les autorités locales ne pourront intervenir que lorsque les désordres survenus à bord des navires seraient de nature à troubler la tranquillité et l'ordre public, à terre ou dans le port, ou quand une personne du pays, ou ne faisant pas partie d'équipage, s'y trouvera mêlée.

Dans tous les autres cas les autorités précitées se borneront à prêter tout appui aux Consuls et Vice-Consuls ou Agents Consulaires, si elles en sont requises par eux, pour faire arrêter et renvoyer à bord, ou maintenir en état d'arrestation, tout individu inscrit sur le rôle de l'équipage, chaque fois que les dits Agents le jugeront nécessaire.

Si l'arrestation devait être maintenue, les dits Agents en donneront avis dans le plus bref délai possible, par une communication officielle aux autorités judiciaires compétentes.

XII. Les Consuls-Généraux, Consuls, et Vice-Consuls ou Agents Consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les marins et toute autre personne faisant, à quelque titre que ce soit, partie des équipages des navires de leur nation, dont la désertion aurait eu lieu sur le territoire même de l'une des Hautes Parties Contractantes.

À cet effet ils devront s'adresser par écrit aux fonctionnaires compétents, et justifier, au moyen de la présentation des registres des bâtiments ou du rôle de l'équipage ou d'autres documents officiels, ou bien, si le navire était parti, en produisant une copie authentique de ces documents, que les personnes réclamées faisaient réellement partie de l'équipage. Sur cette demande, ainsi justifiée, la remise des déserteurs ne pourra être refusée.

On donnera, en outre, aux dites autorités Consulaires tout

secours et toute assistance pour la recherche et l'arrestation de ces déserteurs, qui seront détenus, sur la demande écrite et aux frais de l'autorité Consulaire, jusqu'au moment où ils seront réintégrés à bord du bâtiment auquel ils appartiennent, ou jusqu'à ce qu'une occasion se présente de les rapatrier.

Si, toutefois, cette occasion ne se présentait pas dans le délai de 3 mois à compter du jour de l'arrestation, ou si les frais de leur détention n'étaient pas régulièrement acquittés, les dits déserteurs seront remis en liberté, sans qu'ils puissent être arrêtés de nouveau pour la même cause.

Si le déserteur avait commis quelque crime ou délit à terre, l'autorité locale pourrait surseoir à l'extradition jusqu'à ce que le tribunal eût rendu la sentence, et que celle-ci eût reçu pleine et entière exécution.

Les Hautes Parties Contractantes conviennent que les marins ou autres individus de l'équipage, sujets du pays dans lequel s'effectuera la désertion, sont exceptés des stipulations du présent Article.

XIII. Toutes les fois qu'il n'y aura pas de stipulations contraires entre les armateurs, chargeurs et assureurs, les avaries que les navires des deux pays auront souffertes en mer, soit qu'ils entrent dans les ports respectifs volontairement ou par relâche forcée, seront réglées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires de leur nation, à moins que des sujets du pays dans lequel résideront les dits Agents ou ceux d'une tierce Puissance ne soient intéressés dans ces avaries ; dans ce cas, et à défaut de compromis amiable entre toutes les parties intéressées, elles devront être réglées par l'autorité locale.

XIV. Lorsqu'un navire appartenant au Gouvernement ou à des sujets de l'un des deux États fera naufrage ou échouera sur le littoral de l'autre, les autorités locales devront, dans le plus bref délai possible, porter le fait à la connaissance du Consul-Général, Consul, Vice-Consul, ou Agent Consulaire le plus voisin du lieu de l'accident.

Toutes les opérations relatives au sauvetage des navires Italiens qui naufrageraient ou échoueraient dans les eaux territoriales de la Russie seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires d'Italie, et réciproquement toutes les opérations de sauvetage des navires Russes qui naufrageraient ou échoueraient dans les eaux territoriales de l'Italie seront dirigées par les Consuls-Généraux, Consuls, Vice-Consuls, ou Agents Consulaires de Russie.

L'intervention des autorités locales n'aura lieu, dans les deux pays, que pour assister l'autorité Consulaire, maintenir l'ordre, garantir les intérêts des sauveteurs étrangers à l'équipage, et assurer

l'exécution des dispositions à observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls-Généraux, Consuls, Vice-Consuls; ou Agents Consulaires, ou de la personne qu'ils délègueront à cet effet, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus et la conservation des objets qui auront été sauvés du naufrage.

XV. Les Consuls-Généraux, Consuls, ainsi que les Vice-Consuls et Agents Consulaires, jouiront, dans les deux États et leurs possessions respectives, de toutes les exemptions, prérogatives, immunités, et privilèges qui seront accordés aux agents de la même classe de la nation la plus favorisée.

XVI. La présente Convention restera en vigueur pendant 10 années à dater du jour de l'échange des ratifications. Si aucune des Hautes Parties Contractantes n'avait notifié à l'autre, une année avant l'expiration de ce terme, l'intention d'en faire cesser les effets, elle demeurera exécutoire pendant une année encore, à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée. Les ratifications en seront échangées à St. Pétersbourg le plus tôt que faire se pourra, et la Convention sera exécutoire à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg le $\frac{1}{2}$ ⁶₈ Avril, de l'an de grâce 1875.

(L.S.) BARBOLANI.

(L.S.) GORTCHACOW.

CONVENTION d'Extradition entre la France et le Grand Duché de Luxembourg.—Signée à Paris, le 12 Septembre, 1875.

[Ratifications échangées à Paris, le 6 Janvier, 1876.]

LE Président de la République Française et Sa Majesté le Roi des Pays-Bas, Grand Duc de Luxembourg, ayant résolu, d'un commun accord, de conclure, en ce qui concerne le Grand Duché de Luxembourg, une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé pour leurs Plénipotentiaires à cet effet, savoir :

Le Président de la République Française, M. le Duc Decazes, Député à l'Assemblée Nationale, Commandeur de l'Ordre de la Légion d'Honneur, &c., Ministre des Affaires Étrangères ;

Sa Majesté le Roi des Pays Bas, Grand Duc de Luxembourg,
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M. Jonas, Grand Officier de Son Ordre Royal et Grand Ducal de la Couronne de Chêne, Officier de l'Ordre de la Légion d'Honneur, &c., Conseiller d'État, Chargé d'Affaires du Grand-Duché de Luxembourg à Paris ;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. Les Gouvernements Français et Luxembourgeois s'engagent à se livrer réciproquement, sur la demande que l'un des deux Gouvernements adressera à l'autre, à la seule exception de leurs nationaux, les individus réfugiés du Grand Duché de Luxembourg en France et dans les colonies Françaises, ou de France et des colonies Françaises dans le Grand Duché de Luxembourg, et mis en prévention ou en accusation, ou condamnés comme auteurs ou complices par les tribunaux de celui des deux pays où l'infraction a été commise, pour les crimes et délits énumérés dans l'Article ci-après.

II. Les crimes et délits sont :

1. L'assassinat, l'empoisonnement, le parricide et l'infanticide ;
2. Le meurtre ;
3. Les menaces d'un attentat contre les personnes, punissables de peines criminelles ;
4. Les coups portés et les blessures faites volontairement, soit avec préméditation, soit quand il en est résulté une incapacité permanente de travail personnel ou de plus de 20 jours, ou la mort sans intention de la donner ;
5. L'avortement ;
6. L'enlèvement, le recel, la suppression, la substitution ou la supposition d'enfant ;
7. L'exposition ou le délaissement d'enfant ;
8. L'enlèvement de mineur ;
9. Le viol ;
10. L'attentat à la pudeur avec violence ;
11. L'attentat à la pudeur sans violence, sur la personne ou à l'aide de la personne d'un enfant de l'un ou l'autre sexe âgé de moins de 14 ans ;
12. L'attentat aux mœurs en excitant, facilitant ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;
13. Les attentats à la liberté individuelle ;
14. La bigamie ;
15. L'association de malfaiteurs ;
16. La contrefaçon ou la falsification d'effets publics ou de billets de banque, de titres publics ou privés, l'usage, l'émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés, le faux en écriture et l'usage d'écritures falsifiées ;
17. La fausse monnaie, comprenant la contrefaçon et l'altération

de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée ;

18. La contrefaçon ou falsification de sceaux, timbres, poinçons et marques, l'usage de sceaux, timbres, poinçons et marques contrefaits ou falsifiés, et l'usage préjudiciable de vrais sceaux, timbres, poinçons et marques ;

19. Le faux témoignage et la subornation de témoins ;

20. Le faux serment ;

21. La concussion et les détournements commis par des fonctionnaires publics ;

22. La corruption de fonctionnaires publics ;

23. L'incendie ;

24. Le vol ;

25. L'extorsion dans le cas prévu par l'Article 400, paragraphe 1^{er}, du Code Pénal Français, et par l'Article 400 du Code Pénal de 1810 ;

26. L'escroquerie ;

27. L'abus de confiance ;

28. La tromperie en matière de vente de marchandises, prévue par l'Article 423 du Code Pénal ;

29. La banqueroute frauduleuse ;

30. Les actes attentatoires à la libre circulation sur les chemins de fer, prévus à la fois par les Articles XVI et XVII de la Loi Française du 15 Juillet, 1845, et par les Articles XVI et XVII de la Loi Luxembourgeoise du 17 Décembre, 1859 ;

31. La destruction de constructions ;

32. La dégradation de monuments, la destruction de registres, titres, billets, documents ou autres papiers ;

33. Les pillages ou dégâts de denrées ou marchandises, effets et propriétés mobilières commis à bande ou force ouverte ;

34. La destruction ou dévastation des récoltes, plants, arbres ou greffes ;

35. La destruction d'instruments d'agriculture, la destruction ou l'empoisonnement de bestiaux ou autres animaux ;

36. L'opposition à l'exécution de travaux publics ;

37. Le recèlement des objets obtenus à l'aide d'un des crimes prévus dans l'énumération qui précède : sont comprises dans les qualifications précédentes les tentatives, lorsqu'elles sont prévues par les législations des deux pays.

En matière correctionnelle ou de délits, l'extradition aura lieu dans les cas prévus ci-dessus :

1. Pour les condamnés contradictoirement ou par défaut, lorsque le total des peines prononcées sera au moins d'un mois d'emprisonnement ;

2. Pour les prévenus, lorsque le maximum de la peine applicable

au fait incriminé sera, d'après la loi du pays réclamant, au moins de deux ans d'emprisonnement ou d'une peine équivalente, ou lorsque le prévenu aura déjà été condamné à une peine criminelle ou à un emprisonnement de plus d'un an.

Dans tous les cas, crimes ou délits, l'extradition ne peut avoir lieu que lorsque le fait similaire sera punissable d'après la législation du pays à qui la demande est adressée.

III. Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra, dans aucun cas, être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un État étranger ni contre celle d'un des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

IV. La demande d'extradition devra toujours être faite par la voie diplomatique.

V. L'extradition sera accordée sur la production soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil, de l'arrêt de la Chambre des Mises en Accusation ou de l'acte de procédure criminelle émané du juge ou de l'autorité compétente, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive, délivrés en original ou en expédition authentique.

VI. L'étranger pourra être arrêté provisoirement dans les deux pays pour l'un des faits mentionnés à l'Article II, sur la production, par voie diplomatique, d'un mandat d'arrêt décerné par l'autorité étrangère compétente et expédié dans les formes prescrites par les lois du Gouvernement réclamant.

Cette arrestation aura lieu dans les formes et suivant les règles établies par la législation du Gouvernement auquel elle est demandée.

VII. En cas d'urgence, l'arrestation provisoire devra également être effectuée sur avis, transmis par la poste ou par le télégraphe, de l'existence d'un mandat d'arrêt, à la condition que cet avis sera régulièrement donné par voie diplomatique au Gouvernement du pays où l'inculpé s'est réfugié.

L'arrestation sera facultative si la demande d'arrestation provisoire est directement parvenue à une autorité judiciaire ou administrative de l'un des deux États ; mais cette autorité devra procéder sans délai à tous interrogatoires et investigations de nature à vérifier l'identité ou les preuves du fait incriminé, et, en cas de difficulté, rendre compte au Ministre des Affaires Étrangères des motifs qui l'auraient portée à surseoir à l'arrestation réclamée.

Toutefois, dans ces cas, l'étranger ne sera maintenu en état d'arrestation que si, dans le délai de 15 jours, il reçoit communication du mandat d'arrêt délivré par l'autorité étrangère compétente.

VIII. L'étranger arrêté provisoirement, aux termes de l'Article VI, ou maintenu en état d'arrestation, suivant le paragraphe 3 de l'Article VII, sera mis en liberté si, dans les deux mois de son arrestation, il ne reçoit notification soit d'un jugement ou arrêt de condamnation, soit d'une ordonnance de la Chambre du Conseil, ou d'un arrêt de la Chambre de Mises en Accusation, ou d'un acte de procédure criminelle émané du juge compétent, décrétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive.

IX. Les objets volés ou saisis en la possession de l'individu dont l'extradition est réclamée, les instruments ou outils dont il se serait servi pour commettre le crime ou le délit qui lui est imputé, ainsi que toutes les pièces de conviction, seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

X. Si l'individu réclamé est poursuivi ou condamné pour une infraction commise dans le pays où il s'est réfugié, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, jusqu'à ce qu'il ait été acquitté ou absous, ou jusqu'au moment où il aura subi sa peine.

XI. L'extradition sera accordée lors même que l'accusé ou le prévenu viendrait, par ce fait, à être empêché de remplir des engagements contractés envers les particuliers, lesquels pourront toujours faire valoir leurs droits auprès des autorités judiciaires compétentes.

XII. L'extradition pourra être refusée si, depuis les faits imputés, le dernier acte de poursuite ou la condamnation, la prescription de la peine ou de l'action est acquise d'après les lois du pays où le prévenu s'est réfugié.

XIII. Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation relative à la restitution des frais auxquels auront donné lieu la recherche, l'arrestation, la détention et le transport à la frontière des individus dont l'extradition aura été accordée, et ils consentent réciproquement à les prendre à leur charge.

XIV. Lorsque, dans la poursuite d'une affaire pénale, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre État, une commission rogatoire sera envoyée à cet effet, par la voie diplomatique ou directement, et il y sera donné suite par les officiers compétents, en observant les lois du pays où l'audition des témoins devra avoir lieu.

Toutefois, les commissions rogatoires tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à

conviction, ne seront exécutées que pour l'un des faits énumérés à l'Article II du présent Traité.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution des commissions rogatoires, dans le cas même où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entraîné plus d'une vacation.

Aucune réclamation ne pourra non plus avoir lieu pour les frais de tous actes judiciaires spontanément faits par les magistrats de chaque pays pour la poursuite ou la constatation de délits commis sur le territoire par un étranger qui serait ensuite poursuivi dans sa patrie, conformément aux Articles V et VI du Code d'Instruction Criminelle.

XV. Les simples notifications d'actes, jugements ou pièces de procédure réclamées par la justice de l'un des deux pays seront faites à tout individu résidant sur le territoire de l'autre pays sans engager la responsabilité de l'État, qui se bornera à en assurer l'authenticité.

À cet effet, la pièce transmise diplomatiquement ou directement au ministère public du lieu de la résidence sera signifiée à personne, à sa requête, par les soins d'un officier compétent, et il renverra au magistrat expéditeur, avec son visa, l'original constatant la notification.

XVI. Si, dans une cause pénale, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite. Dans ce cas, des frais de voyage et de séjour calculés depuis sa résidence lui seront accordés d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu ; il pourra lui être fait, sur sa demande, par les soins des magistrats de sa résidence, l'avance de tout ou partie des frais de voyage, qui seront ensuite remboursés par le Gouvernement intéressé. Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaitra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objet du procès où il figurera comme témoin.

Lorsque, dans une cause pénale instruite dans l'un des deux pays, la confrontation de criminels détenus dans l'autre, ou la production des pièces de conviction ou documents judiciaires, sera jugée utile, la demande en sera faite par la voie diplomatique, ou directement s'il s'agit de pièces à conviction ou de documents judiciaires, et l'on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Les Gouvernements Contractants renoncent à toute réclamation

de frais résultant du transport et du renvoi, dans les limites de leurs territoires respectifs, de criminels à confronter, et de l'envoi et de la restitution des pièces de conviction et documents.

XVII. Il est formellement stipulé que l'extradition, par voie de transit à travers le territoire de l'une des Parties Contractantes, d'un individu livré à l'autre partie, sera accordée sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'Article V ci-dessus, lorsqu'elle sera requise par l'un des États Contractants au profit d'un État étranger ou par un État étranger au profit de l'un des dits États, liés l'un et l'autre avec l'État requis par un Traité comprenant l'infraction qui donne lieu à la demande d'extradition, et lorsqu'elle ne sera pas interdite par les Articles III et XII de la présente Convention.

XVIII. Les Parties Contractantes s'obligent à se communiquer réciproquement les condamnations pour crimes ou délits prononcées dans un pays à charge des nationaux de l'autre.

XIX. La présente Convention, remplaçant celle du 26 Septembre, 1844,* ne sera exécutoire que 10 jours après sa publication dans les formes prescrites par les lois des deux pays.

Elle demeurera en vigueur jusqu'à l'expiration d'une année à compter du jour où l'une des deux Hautes Parties Contractantes aura déclaré vouloir en faire cesser les effets.

Elle sera ratifiée, et les ratifications en seront échangées le plus tôt que faire se pourra.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à Paris, le 12 Septembre, 1875.

(L.S.) DECAZES.

(L.S.) JONAS.

ARRANGEMENT for the exchange of Money Orders between the Money Order Department of India and the Post Office of Germany.—Signed at Berlin, January 18, 1875, and at London, January 22, 1875.

In order to establish an exchange of Money Orders between India and Germany, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of Money Orders between India and Germany by means of the weekly mail service *viâ* Brindisi.

II. The Money Order business between the two countries shall

be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the Money Orders being made out and forwarded to the payees by the office of exchange of the country in which the Orders are payable. The offices of exchange shall be, on the side of India, Bombay, and on the side of Germany, Munich.

III. The amount of Orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a Money Order may be drawn in either country upon the other shall be 10%.

V. No Money Order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing Money Orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of Money Orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for Money Orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular Orders referred to.

Applications by remitters for repayment of Orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of Money Orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of Money Orders expressed in sterling money into its own currency for the purpose of payment.

X. The manner and conditions of paying Orders, including stoppage of payment, renewal of Orders, issue of duplicate Orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of Money Orders not ultimately paid, *i.e.*, of Orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the Orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of Money Orders issued by means of lists of the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the Order shall be made payable.

XIV. Besides the particulars of Money Orders issued, the lists mentioned in Article XIII shall contain particulars of Orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no Money Orders to communicate.

XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "List numbers."

XVIII. The entries in the lists respecting Orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "Entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting Orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the des-

patching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of Orders dependent on the irregular entries shall be suspended.

XXII. As soon as the German office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any month, these lists, as well as the Indian lists bearing dates in the same month, shall be made the subject of a monthly account in the annexed Form B.

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Berlin, to the Financial Secretary, India Office, London, for payment by bill of exchange on Berlin, if the balance be in favour of Germany, and with payment by bill of exchange on London, if the balance be in favour of India.

In the case of payment to Germany, the bill of exchange on Berlin shall be for an amount in German currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of Money Orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, affecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail, the offices of correspondence shall be the General Post Office, Berlin, on the one hand, and the office of the Controller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The Department charged with the control of Money Orders in either country shall have authority to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All

such additional rules, however, shall be communicated by the one Department to the other.

XXIX. The present arrangement shall take effect on the 1st April, 1875. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at London, the 22nd of January, 1875; at Berlin, the 18th of January, 1875.

(L.S.) A. M. MONTEATH.

(L.S.) STEPHAN.

(*Transmitting Letter.*)

List No. , despatched from .
 Dated the , 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, applications, on each of which there has been noted :—

1. A serial " Application, No. " (which can be quoted by you in any reference thereto) ;
2. The number and date of the list in which the Order referred to was originally entered ; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of ; those entered as " not yet disposed of " will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No. , dated , which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient servant,

To the Controller, Money Order Office, Bombay.

A. From Bombay to Munich.

No. , dated 187 .

List of Money Orders drawn in India upon Germany.

| Particulars to be furnished by the Bombay Office. | | | | | | For the use of the German Office. | | | | |
|---|------------------------------------|---|-------------------------------|----------------|-------------------|-----------------------------------|----|----|-----------------------------|----------------------------|
| Entry No. | Date of Receipt given to remitter. | Office by which the Money was received. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | | | Equivalent in German Money. | No. of German Money Order. |
| | | | | | | £ | s. | d. | | |
| | | | | | | | | | Mark. | Pfen. |
| | | | | | Total ... | | | | | |

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Germany authority is hereby given.

| German (AA.) List in which the Orders were originally included. | | | | | | For the use of the German Office. | | |
|---|-------|-----------|--|------------------|----|-----------------------------------|-----------------------------|----------------------------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in German Money. | No. of German Money Order. |
| | | | | £ | s. | d. | M. | Pf. |
| | | | Total ... | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

AA. From Munich to Bombay.
 No. , dated 187 .
 List of Money Orders drawn in Germany upon India.

| Particulars to be furnished by the German Office. | | | | | | | For the use of the Bombay Office. | | | | | | |
|---|------------------------------|--|-------------------------------|----------------|-------------------|------------------|-----------------------------------|----|----|-----------------------|----------------------------|-----------------------------|----------|
| Entry No. | Original No. of Money Order. | Office in which the Money Order was paid in. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. |
| | | | | | | | £ | s. | d. | | | | |
| | | | | | | | | | | | | | |
| | | | | | Total ... | | | | | | | | |

List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

| Indian (A) List in which the Orders were originally included. | | | | | | | For the use of the Bombay Office. | | | | | | |
|---|-------|-----------|---|------------------|----|----|-----------------------------------|----|----|-----------------------|----------------------------|-----------------------------|----------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. |
| | | | | £ | s. | d. | R. | A. | P. | | | | |
| | | | | | | | | | | | | | |
| | | | Total ... | | | | | | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

BRITISH NOTIFICATION of the Denunciation by the Italian Government of the Treaty between Great Britain and Italy of August 6, 1863.—London, July 1, 1875.*

Foreign Office, July 1, 1875.

THE Secretary of State for Foreign Affairs has received a note, dated the 26th ultimo, from the Italian Chargé d’Affaires at this Court, containing a denunciation on the part of the Italian Government of the Treaty of Commerce and Navigation between Great Britain and Italy of the 6th of August, 1863.

The existing Treaty will accordingly expire on the 26th June, 1876.

[Declarations have, however, since been signed between the two countries prolonging the duration of the Convention.]

BRITISH ORDER IN COUNCIL, extending the British System of Tonnage Measurement to Swedish Vessels.—Windsor, March 17, 1875.

At the Court at Windsor, the 17th day of March, 1875.

PRESENT: THE QUEEN’S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by “The Merchant Shipping Act Amendment Act, 1862,”† it is enacted, that whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships for the time being in force under the principal Act have been adopted by the Government of any foreign country and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificate of registry or other national papers, and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty’s dominions, but such ships shall be deemed to be of the tonnage denoted in their certificate of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificate of registry of British ships is to be deemed the tonnage of such ships:

And whereas it has been made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships now

* Vol. LIII. Page 33.

† 25 & 26 Vict., cap. 63, § 60. Page 682.

in force under "The Merchant Shipping Act, 1854,"* have now been adopted in Sweden by the Government of His Majesty the King of Sweden and Norway, and are to come into force in Sweden on the 1st day of April, 1875 :

Her Majesty is hereby pleased, by and with the advice of Her Privy Council, to direct that the ships of Sweden, the certificates of Swedish nationality and registry, or the certificates of measurement of which are dated on or after the 1st day of April, 1875, shall be deemed to be of the tonnage denoted in the said certificates of Swedish nationality and registry, or certificates of measurement.

EDMUND HARRISON.

CONVENTION between Austria-Hungary and the Principality of Lichtenstein for the prolongation of the Treaty of December 23, 1863, respecting the continuation of the Customs and Tax Union for the year 1876.—Signed at Vienna, December 12, 1875.

[Ratifications exchanged June 30, 1876.]

(Translation.)

HIS Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, on the one side, and His Serene Highness the Sovereign Prince of Lichtenstein, on the other side, have commenced negotiations for the renewal of the Customs and Tax Union, founded in the year 1852,† and continued by the State Treaty of December 23, 1863, which, according to notice given, expires on the 31st of December this year. For this purpose they have appointed as Plenipotentiaries :

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, Joseph Baron v. Schwegel, Knight of the Order of St. Stephen and of the Order of the Iron Crown, third class, Imperial and Royal Court and Ministerial Councillor ;

His Serene Highness the Sovereign Prince of Lichtenstein, Clement Count v. Westphalen of the Empire ;

Who, after having inspected their full powers, and found them in good order, have agreed to the following stipulations :

ART. I. The Tax and Customs Union agreed to between the two Contracting Parties on the 23rd of December, 1863, is, with all its stipulations now in force, prolonged for one year, and its duration hereby fixed up to the end of 1876.

Inasmuch as both Parties acknowledge the beneficial effects of

* 17 & 18 Vict., cap. 104, §§ 21 to 29. Vol. XLV. Page 1347.

† June 5, 1852.

the said Treaty in general, and it has only become apparent that some new modifications are needful to correspond with the altered circumstances, the High Contracting Parties have agreed to enter into negotiations respecting the alterations that are desirable in the Treaty, and to bring them to a conclusion in the course of the year 1876.

II. The ratification of the present Treaty is to take place at Vienna before the end of 1875.

In witness whereof the Plenipotentiaries of the High Contracting Parties have signed the Treaty and affixed their seals to it.

Vienna, December 12, 1875.

(L.S.) JOSEPH BARON v. SCHWEGEL.

(L.S.) CLEMENT COUNT v. WESTPHALEN.

BRITISH NOTIFICATION of the Denunciation by the Austro-Hungarian Government of the Treaty between Great Britain and Austria-Hungary of December 16, 1865, and of the Supplementary Convention of December 30, 1869.†—London, December 16, 1875.*

Foreign Office, December 16, 1875.

THE Secretary of State for Foreign Affairs has received a note dated the 11th instant, from the Austro-Hungarian Ambassador at this Court, containing a denunciation, on the part of the Austro-Hungarian Government, of the Treaty of Commerce between Great Britain and Austria of the 16th of December, 1865, and of the Supplementary Convention of the 30th of December, 1869.

The above Treaty and Convention will expire on the 1st of January, 1877.

CONVENTION entre l'Italie et la Russie, pour le Règlement des Successions.—Signée à St. Pétersbourg, le $\frac{16}{8}$ Avril, 1875.

[Ratifications échangées, le $\frac{1}{8}$ Août, 1875.]

SA Majesté le Roi d'Italie et Sa Majesté l'Empereur de Toutes les Russies, désirant déterminer les droits des nationaux respectifs et les attributions des Autorités Judiciaires et Consulaires de l'un et de l'autre pays en ce qui concerne les successions laissées, dans l'un des deux États, par les nationaux de l'autre État, ont résolu

* Vol. LV. Page 5.

† Vol. LIX. Page 14.

d'un commun accord de conclure, dans ce but, une Convention Spéciale, et ont nommé à cet effet pour leurs Plénipotentiaires, savoir :—

Sa Majesté le Roi d'Italie, le Comte Raphaël Ulysse Barbolani, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté l'Empereur de Toutes les Russies, Grand Officier de l'Ordre des SS. Maurice et Lazare, Commandeur de l'Ordre de la Couronne d'Italie, Chevalier de l'Ordre de St. Stanislas de la première classe, &c. ;

Et Sa Majesté l'Empereur de Toutes les Russies, le Prince Alexandre Gortchakow, son Chancelier de l'Empire, Membre du Conseil de l'Empire, ayant le portrait de Sa Majesté l'Empereur enrichi de diamants, Chevalier des Ordres Russes : de St. André en diamants, de St. Vladimir de la première classe, de St. Alexandre Nevsky, de l'Aigle Blanc, de Ste. Anne de la première classe, et de St. Stanislas de la première classe ; de l'Ordre de l'Annonciade, de la Toison d'Or d'Espagne, Grand-Croix de la Légion d'Honneur de France, de St. Étienne d'Autriche, de l'Aigle Noir de Prusse en diamants, et de plusieurs autres Ordres étrangers :

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. En cas de décès d'un Italien en Russie ou d'un Russe en Italie, soit qu'il fût établi dans le pays, soit qu'il y fût simplement de passage, les autorités compétentes du lieu du décès sont tenues de prendre, à l'égard des biens mobiliers ou immobiliers du défunt, les mêmes mesures conservatoires que celles qui, d'après la législation du pays, doivent être prises à l'égard des successions des nationaux, sous réserve des dispositions stipulées par les Articles suivants.

II. Si le décès a eu lieu dans une localité où réside un Consul-Général, Consul, ou Vice-Consul de la nation du défunt, ou bien à proximité de cette localité, les autorités locales devront en donner immédiatement avis à l'autorité Consulaire, pour qu'il puisse être procédé, en commun, à l'apposition des scellés respectifs sur tous les effets, meubles et papiers du défunt.

L'autorité Consulaire devra donner le même avis aux autorités locales, lorsqu'elle aura été informée du décès la première.

Si l'apposition immédiate des scellés paraissait nécessaire, et que cette opération ne pût, pour un motif quelconque, avoir lieu en commun, l'autorité locale aura la faculté de mettre les scellés préalablement, sans le concours de l'autorité Consulaire, et *vice versa*, sauf à informer l'autorité qui ne sera pas intervenue, et qui sera libre de croiser ensuite son sceau avec celui déjà apposé.

Le Consul-Général, Consul, ou Vice-Consul aura la faculté de

procéder à cette opération, soit en personne, soit par un délégué, dont il aura fait choix. Dans ce dernier cas le délégué devra être muni d'un document émanant de l'autorité Consulaire, revêtu du sceau du Consulat et constatant son caractère officiel.

Les scellés apposés ne pourront être levés sans le concours de l'autorité locale et de l'autorité Consulaire ou de son délégué.

Il sera procédé de la même manière à la formation de l'inventaire de tous les biens mobiliers ou immobiliers, effets et valeurs du défunt.

Toutefois, si, après un avertissement adressé par l'autorité locale à l'autorité Consulaire, ou, *vice versa*, par l'autorité Consulaire à l'autorité locale, pour l'inviter à assister à la levée des scellés simples ou doubles et à la formation de l'inventaire, l'autorité à qui l'invitation a été adressée ne s'était pas présentée dans un délai de 48 heures à compter de la réception de l'avis, l'autre autorité pourrait procéder seule aux dites opérations.

III. Les autorités compétentes feront les publications prescrites par la législation du pays relativement à l'ouverture de la succession et à la convocation des héritiers ou créanciers, sans préjudice des publications qui pourront également être faites par l'autorité Consulaire.

IV. Lorsque l'inventaire aura été dressé conformément aux dispositions de l'Article II, l'autorité compétente délivrera à l'autorité Consulaire, sur sa demande écrite et d'après cet inventaire, tous les biens meubles dont se compose la succession, les titres, valeurs, créances, papiers, ainsi que le testament, s'il en existe.

L'autorité Consulaire pourra faire vendre aux enchères publiques tous les objets mobiliers de la succession susceptibles de se détériorer et tous ceux dont la conservation en nature entraînerait des frais onéreux pour la succession. Elle sera tenue, toutefois, de s'adresser à l'autorité locale, afin que la vente soit faite dans les formes prescrites par les lois du pays.

V. L'autorité Consulaire devra conserver à titre de dépôt, demeurant soumis à la législation du pays, les effets et valeurs inventoriés, le montant des créances que l'on réalisera et des revenus que l'on touchera, ainsi que le produit de la vente des meubles, si elle a eu lieu, jusqu'à l'expiration du terme de 6 mois à compter du jour de la dernière des publications, faites par l'autorité locale, relativement à l'ouverture de la succession, ou du terme de 8 mois à compter du jour du décès, s'il n'a pas été fait de publication par l'autorité locale.

Toutefois, l'autorité Consulaire aura la faculté de prélever immédiatement, sur le produit de la succession, les frais de dernière maladie et d'enterrement du défunt, les gages de domestiques, loyers, frais de justice et de Consulat et autres de même nature, ainsi que les dépenses d'entretien de la famille du défunt, s'il y a lieu.

VI. Sous la réserve des dispositions de l'Article précédent, le Consul aura le droit de prendre, à l'égard de la succession mobilière ou immobilière du défunt, toutes les mesures conservatoires qu'il jugera utiles dans l'intérêt des héritiers. Il pourra l'administrer, soit personnellement, soit par des délégués choisis par lui et agissant en son nom, et il aura le droit de se faire remettre toutes les valeurs appartenant au défunt qui pourraient se trouver déposées, soit dans les caisses publiques, soit chez des particuliers.

VII. Si, pendant le délai mentionné à l'Article V, il s'élève quelque contestation à l'égard des réclamations qui pourraient se produire contre la partie mobilière de la succession de la part de sujets du pays ou de sujets d'une tierce Puissance, la décision concernant ces réclamations, en tant qu'elles ne reposent pas sur le titre d'hérédité ou de legs, appartiendra exclusivement aux tribunaux du pays.

En cas d'insuffisance des valeurs de la succession pour satisfaire au paiement intégral des créances, tous les documents, effets, ou valeurs appartenant à cette succession devront, sur la demande des créanciers, être remis à l'autorité locale compétente, l'autorité Consulaire restant chargée de représenter les intérêts de ses nationaux.

VIII. À l'expiration du terme fixé par l'Article V, s'il n'existe aucune réclamation, l'autorité Consulaire, après avoir acquitté, d'après les tarifs en vigueur dans le pays, tous les frais et comptes à la charge de la succession, entrera définitivement en possession de la partie mobilière de la dite succession, qu'elle liquidera et transmettra aux ayants-droit, sans avoir d'autre compte à rendre qu'à son propre Gouvernement.

IX. Dans toutes les questions auxquelles pourront donner lieu l'ouverture, l'administration et la liquidation des successions des nationaux d'un des deux pays dans l'autre, les Consuls-Généraux, Consuls, et Vice-Consuls respectifs représenteront de plein droit les héritiers et seront officiellement reconnus comme leurs fondés de pouvoirs, sans qu'ils soient tenus de justifier de leur mandat par un titre spécial.

Ils pourront, en conséquence, se présenter soit en personne, soit par des délégués, choisis parmi les personnes qui y sont autorisées par la législation du pays, par devant les autorités compétentes, pour y prendre, dans toute affaire se rapportant à la succession ouverte, les intérêts des héritiers, en poursuivant leurs droits ou en répondant aux demandes formées contre eux.

Il est toutefois bien entendu que les Consuls-Généraux, Consuls, et Vice-Consuls, étant considérés comme fondés de pouvoirs de leurs nationaux, ne pourront jamais être personnellement mis en cause relativement à toute affaire concernant la succession.

X. La succession aux biens immobiliers sera régie par les lois

du pays dans lequel les immeubles seront situés, et la connaissance de toute demande ou contestation, concernant les successions immobilières, appartiendra exclusivement aux tribunaux de ce pays.

Les réclamations relatives au partage des successions mobilières, ainsi qu'au droit de succession sur les effets mobiliers, laissés dans l'un des deux pays par des sujets de l'autre pays, seront jugées par les tribunaux ou autorités compétentes de l'État auquel appartenait le défunt et conformément aux lois de cet État, à moins qu'un sujet du pays où la succession est ouverte n'ait des droits à faire valoir à la dite succession.

Dans ce dernier cas, et si la réclamation est présentée avant l'expiration du délai fixé par l'Article V, l'examen de cette réclamation sera déféré aux tribunaux ou autorités compétentes du pays où la succession est ouverte, qui statueront, conformément à la législation de ce pays, sur la validité des prétentions du réclamant et, s'il y a lieu, sur la quote-part qui doit lui être attribuée.

Lorsqu'il aura été désintéressé de cette quote-part, le reliquat de la succession sera remis à l'autorité Consulaire, qui en disposera à l'égard des autres héritiers, conformément aux stipulations de l'Article VIII.

XI. Lorsqu'un Italien en Russie ou un Russe en Italie sera décédé sur un point où il ne se trouve pas d'autorité Consulaire de sa nation, l'autorité locale compétente procédera, conformément à la législation du pays, à l'apposition des scellés et à l'inventaire de la succession. Les copies authentiques de ces actes seront transmises dans le plus bref délai, avec l'acte de décès et le passeport national du défunt, à l'autorité Consulaire la plus voisine du lieu où se sera ouverte la succession, ou, par l'intermédiaire du Ministère des Affaires Étrangères, au Représentant Diplomatique de la nation du défunt.

L'autorité locale compétente prendra, à l'égard des biens laissés par le défunt, toutes les mesures prescrites par la législation du pays, et le produit de la succession sera transmis dans le plus bref délai possible, après l'expiration du délai fixé par l'Article V, aux dits Agents Diplomatiques ou Consulaires.

Il est bien entendu que, dès l'instant que la Légation de la nation du défunt, ou l'autorité Consulaire la plus voisine, aura envoyé un délégué sur les lieux, l'autorité locale, qui serait intervenue, devra se conformer aux prescriptions contenues dans les Articles précédents.

XII. Les dispositions de la présente Convention s'appliqueront également à la succession d'un sujet de l'un des deux États qui, étant décédé hors du territoire de l'autre État, y aurait laissé des biens mobiliers ou immobiliers.

XIII. Les gages et effets ayant appartenu aux matelots ou

passagers de l'un des deux pays, morts dans l'autre pays, soit à bord d'un navire, soit sur terre, seront remis entre les mains du Consul de leur nation.

XIV. La présente Convention restera en vigueur jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties Contractantes l'aura dénoncée.

Les ratifications en seront échangées à St. Pétersbourg, le plus tôt que faire se pourra, et la Convention sera exécutoire à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

En foi de quoi, les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait à St. Pétersbourg, le $\frac{1}{2}^{\text{o}}$ Avril, de l'an de grâce 1875.

(L.S.) BARBOLANI.

(L.S.) GORTCHACOW.

PROTOCOL between Italy and Switzerland, to carry into effect the Award of the Arbitrator on the Question of the Frontier at Alpe de Cravairola.—Signed at Berne, May 17, 1875.

LES Soussignés, Monsieur le Sénateur L. A. Melegari, Ministre d'Italie en Suisse, et Monsieur J. Scherer, Président de la Confédération Suisse, à cela dûment autorisés, reconnaissent et déclarent, au nom de leurs Gouvernements respectifs, que la sentence arbitrale, rendue à Milan, le 23 Septembre, 1874, par Monsieur Marsh, Ministre des États-Unis d'Amérique à Rome, surarbitre nommé, en la forme convenue dans le compromis signé à Berne le 31 Décembre, 1873,* pour fixer définitivement la frontière Italo-Suisse au lieu dit "Alpe de Cravairola," sentence dont suit le dispositif :

"La ligne-frontière qui sépare le territoire Italien du territoire de la Confédération Suisse (Canton du Tessin) au lieu dit 'Alpe de Cravairola' doit quitter la chaîne principale des montagnes au sommet désigné 'Sonnenhorn,' pour descendre vers le ruisseau de la vallée de Campo, et, en suivant l'arête secondaire nommée 'Creta Tremolino' (ou 'Mosso del Lodano,' sur la carte Suisse), rejoindre la chaîne principale au 'Pizzo del Lago Gelato: ' "

Est devenue, en vertu de l'Article II du dit compromis, obligatoire pour les deux États Contractants, lesquels, par conséquent, s'engagent à faire procéder, dans l'année et aussitôt que faire se pourra, par le moyen de délégués spéciaux, à la collocation des

bornes sur la ligne-frontière définitivement tracée dans le dispositif de la sentence arbitrale précitée.

Fait à Berne, le 17 Mai, 1875.

(L.S.) MELEGARI.

(L.S.) SCHERER.

BRITISH ORDER IN COUNCIL, providing for the Regulation of British Jurisdiction in Morocco.—London, August 27, 1857.

At the Court at Buckingham Palace, the 27th day of August, 1857.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by an Act of Parliament made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign [cap. 94], intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual,"* it is, amongst other things, enacted that it is and shall be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty now hath, or may at any time hereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory:

And whereas Her Majesty hath power and jurisdiction in the dominions of His Majesty the Sultan of Morocco:

And whereas it is expedient to make provision for the due and effectual exercise of such power and jurisdiction:

I. Now therefore, in pursuance and by virtue of the said recited Act of Parliament, Her Majesty is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, that Her Majesty's Consuls appointed to reside in the dominions of the Sultan of Morocco shall have full power and authority to carry into effect, and to enforce by the means and in the manner herein-after mentioned and provided, the observance of the stipulations of any Treaty or Convention, or of any regulations appended to any Treaty or Convention now existing, or which may hereafter be made between Her Majesty, her heirs and successors, and the Sultan of Morocco, his heirs and successors; and to make and to enforce, by fine or imprisonment, or both, rules and regulations for the

observance of the stipulations of any such Treaty or Convention, and for the peace, order, and good government of Her Majesty's subjects being within the dominions of the Sultan of Morocco, his heirs and successors.

II. And it is further ordered, that a copy of all such rules and regulations made by the said Consul shall forthwith be affixed, and kept affixed and exhibited in some conspicuous place in the public office of the said Consul, and that printed copies of the said rules and regulations shall, as soon as possible, be provided by the said Consul, and sold at a price not exceeding one dollar for each copy : and for the purpose of convicting any person offending against the said rules and regulations, and for all other purposes of law whatsoever, a printed copy of the said rules and regulations, certified under the hand of the said Consul to be a true copy thereof, shall be taken as conclusive evidence of such rules and regulations and all things therein respectively contained, and no penalty shall be incurred or shall be enforced for the breach of any such rules and regulations to be hereafter made, until the same shall have been so affixed and exhibited for one calendar month in the public office of the Consul : Provided always, that any such rule or regulation made by Her Majesty's Consul, and to be enforced by a penalty, shall, before the first day on which the same shall be so affixed or exhibited, be transmitted to Her Majesty's Principal Secretary of State for Foreign Affairs for allowance or disallowance ; and if any such rule or regulation shall be disallowed by Her Majesty's Principal Secretary of State for Foreign Affairs, the same shall cease to have effect from the receipt by the Consul of such disallowance ; nevertheless, the Consul shall not be liable to be proceeded against in any of Her Majesty's Courts in regard to any act done by him under such rule or regulation previously to the receipt of its disallowance by such Consul.

III. And it is further ordered, that it shall be lawful for Her Majesty's Consul as aforesaid, upon information, or upon the complaint of any person that a British subject has violated any of the stipulations of any Treaty or Convention, or of any regulations appended to any Treaty or Convention, between Her Majesty and the Sultan of Morocco, or has disregarded or infringed any of the rules or regulations for the observance of the stipulations of any such Treaty or Convention, affixed and exhibited according to the provisions of the next preceding Article of this Order, to summon before him the accused person and to receive evidence and to examine witnesses on oath, as to the guilt or innocence of such person in regard to the offence laid to his charge ; and to award such penalty of fine or imprisonment against any person convicted of an offence against any such Treaty or Convention or appended regulations, or

against the said rules and regulations, as may be specified therein respectively; and any charge against a British subject for a breach of any such Treaty or Convention, or appended regulations, or for a breach of such rules and regulations for the observance of any such Treaty, shall be heard and determined by the Consul without Assessors: provided always, that in no case shall the penalty to be incurred by a breach of such rules and regulations exceed 500 dollars or 3 calendar months' imprisonment.

IV. And it is further ordered, that any charge against a British subject for a breach of rules and regulations other than those relating to the observance of Treaties shall, in like manner, be heard and determined by Her Majesty's Consul; and in all cases in which the penalty shall not exceed 200 dollars, or one calendar month's imprisonment, the Consul shall hear and determine the charge summarily without the aid of Assessors; but where a penalty attached to a breach of the rules and regulations other than those relating to the observance of Treaties shall amount to more than 200 dollars or to imprisonment for more than one calendar month, the Consul, before he shall proceed to hear the charge, shall summon two disinterested British subjects, of good repute, to sit with him as Assessors, which Assessors, however, shall have no authority to decide on the innocence or guilt of the person charged, or on the amount of fine or imprisonment to be awarded to him on conviction, but it shall rest with the Consul to decide on the guilt or innocence of the person charged, and on the amount of fine or imprisonment to be awarded to him: Provided always, that in no case shall the penalty to be attached to a breach of rules and regulations other than those for the observance of Treaties exceed 500 dollars or 3 calendar months' imprisonment; and provided further, that in the event of the said Assessors, or either of them, dissenting from the conviction of the party charged, or from the penalty of fine or imprisonment awarded to him by the Consul, the Consul shall take a note of such dissent, with the grounds thereof, and shall require good and sufficient security for the appearance of the person convicted at a future time, in order to undergo his sentence or receive his discharge; and in default of such security being given, it shall be lawful for the Consul to cause the person to be detained in custody until such security is given; and the Consul shall, with as little delay as possible, report his decision, with all the particulars of the case, together with the dissent of the Assessors or Assessor, and the grounds thereof, to Her Majesty's Chargé d'Affaires and Consul-General in Morocco, who shall have authority in all such cases to confirm, or vary, or reverse the decision of the Consul, as to him may seem fit.

V. And it is further ordered, that upon any question relating to

the observance of any Treaty or Convention, or of rules and regulations for the observance of any Treaty or Convention, or of rules and regulations other than those for the observance of any Treaty or Convention, a report of every decision made by a subordinate Consular officer, whether with or without the aid of Assessors, shall be sent in by him to the superior Consular officer of the district; and such superior Consular officer, on the receipt of such report, shall proceed, without Assessors, to revise such decision as to him shall seem fit; and such revision shall have, for the purposes of this Order, the same effect as if the case had been originally heard and determined by such superior Consular officer, with or without the aid of Assessors: Provided, that in any case in which the Assessors, or either of them, shall have dissented from the decision of the subordinate Consular officer, such decision shall not be subject to revision by the superior Consular officer, but the same shall be submitted for revision to Her Majesty's Chargé d'Affaires and Consul-General, in the same manner as if such decision had been made by the superior Consular officer.

VI. And it is further ordered, that every person tried and convicted before the Consul for a breach of any Treaty or Convention between Her Majesty and the Sultan of Morocco, or for a breach of any rules and regulations for the observance of any such Treaty or Convention, or for a breach of any rules and regulations other than those relating to the observance of any Treaty or Convention, may appeal from the decision of the Consul thereon to Her Majesty's Chargé d'Affaires and Consul-General, who shall have power to confirm, vary, or reverse the sentence of the Consul as to him may seem fit, and also to adjudge as to him shall seem fit respecting the costs of such appeal; and the decision of the said Chargé d'Affaires and Consul-General thereon shall be final and conclusive to all intents and purposes: Provided always, that notice of such appeal shall be given to the Consul in writing, signed by the party appealing, within 15 days after his decision, and thereupon the Consul shall be entitled to require from the party so appealing reasonable and sufficient security for the prosecution of the appeal, and for the payment of the costs thereof in case he shall be adjudged to pay the same; such security to consist, in part, of one or more sufficient surety or sureties, to be approved by the Consul: Provided also, that in every such case the Consul shall forthwith report such appeal, and shall at the same time transmit a copy of the proceedings on the trial before him to Her Majesty's Chargé d'Affaires and Consul-General; and the party so appealing shall be and is hereby required to prosecute such appeal within such time as shall be by the Consul, with the approval of the Chargé d'Affaires and Consul-General, assigned for the prosecution of the same; and if the party shall not

duly prosecute his appeal within such time as aforesaid, the Consul shall enforce his sentence as if no such appeal had been interposed.

VII. And it is further ordered, that if any person who shall have committed or been charged with any breach of or offence against any such Treaty or Convention, or any such rules and regulations as aforesaid, shall escape or remove from the Consular district within which the fact was committed, and shall be found within another Consular district, it shall be lawful for the Consul within which district such person shall be so found, to proceed against him in the same manner as if the fact had been committed within such district.

VIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to hear and determine any suit of a civil nature by a Moorish subject against a British subject, arising within any part of the dominions of the Sultan of Morocco, the Moorish Governor at the town or district, or the Kadi, or other officer who may be appointed by them for that purpose, being present, if he or they so desire, during the trial and judgment of the case: and if the plaintiff in such suit be dissatisfied with the decision of the Consul therein, he shall have a right of appeal against the same to the Moorish Commissioner for Foreign Affairs; and if the defendant in such suit be dissatisfied with the decision of the Consul therein, he shall have a right of appeal against the same to Her Majesty's Chargé d'Affaires and Consul-General, and the decision of the said Moorish Commissioner for Foreign Affairs, or of the said Chargé d'Affaires and Consul-General, upon such appeal, shall be final and conclusive to all intents and purposes.

IX. And it is further ordered, that all suits of a civil nature by a British subject against a Moorish subject, arising within any part of the dominions of the Sultan of Morocco, shall be heard and determined by the Moorish Governor of the town or district, or the Kadi, according as the case may appertain to their respective Courts, the British Consul, or his deputy appointed by him for that purpose, being present, if the said Consul shall so think fit, during the trial and judgment of the case: and if the plaintiff in any such last-mentioned suit shall be dissatisfied with the decision of the Governor or Kadi therein, he shall have a right of appeal against the same to Her Majesty's Chargé d'Affaires and Consul-General; and if the defendant in any such last-mentioned suit shall be dissatisfied with the decision of the Governor or Kadi therein, he shall have a right of appeal against the same to the Moorish Commissioner for Foreign Affairs: and the decision of the said Chargé d'Affaires and Consul-General, or of the said Moorish Commissioner for Foreign Affairs, upon such appeal, shall be final and conclusive to all intents and purposes.

X. And it is further ordered, that all suits, disputes, differences, and causes of litigation of a civil nature arising between British subjects within the dominions of the Sultan of Morocco, shall be heard and determined by Her Majesty's Consul, who shall be the sole judge and arbiter thereof respectively; subject nevertheless to an appeal against the decision of the Consul therein to the Supreme Court of Her Majesty's garrison and territory of Gibraltar: Provided always, that the party intending so to appeal against the decision of the said Consul shall, within 15 days after the determination of the case by the Consul, by himself or his agent, give to the Consul notice in writing of his appeal to the said Supreme Court of Gibraltar; whereupon the Consul shall, as speedily as possible, transmit to the said Supreme Court all the documents which were produced before him in the case, and none other, together with a statement of the evidence taken before him in the case, and of the grounds on which his decision was formed, and shall forthwith notify to the several parties the transmission of the said proceedings to the said Supreme Court: Provided also, that it shall be lawful for the Consul to require from any person so appearing to the said Supreme Court reasonable security, to consist in part of one or two sufficient sureties, to be approved by the Consul, that such person so applying will duly prosecute his appeal, and will abide by the decision to be given therein by the said Supreme Court, and that in case such appeal shall fail, he will answer and satisfy all costs, loss, and damages sustained by the other party by reason of such appeal.

XI. And it is further ordered, that it shall be lawful for Her Majesty's Consul to summon not less than 2, and not more than 4, disinterested British subjects, of good repute, to sit with him as Assessors at the hearing of any suit, dispute, difference, or cause of litigation whatever, of a civil nature, brought before him for decision, and in case the sum sought to be recovered shall exceed 500 dollars such suit shall not be heard by the Consul without Assessors, if within a reasonable time such Assessors can be procured; but the Assessors aforesaid shall have no authority to decide on the merits of such suit, but in the event of such Assessors, or any of them, dissenting from the decision of the Consul, the Consul shall enter the fact of such dissent and the grounds thereof in the minutes of the proceedings, and, in case of appeal, shall transmit the same to the Supreme Court of Her Majesty's garrison and territory of Gibraltar, together with the documents relating to the suit.

XII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to enforce his decision in favour of or against a British subject in a civil suit, dispute, difference, or cause of litigation, by distress and sale, or imprisonment, in like manner as a

decision of the Supreme Court of Her Majesty's garrison and territory of Gibraltar in a civil suit is enforced within the same.

XIII. And it is further ordered, that in case of an appeal to the Supreme Court of Her Majesty's garrison and territory of Gibraltar from the decision of Her Majesty's Consul, it shall be lawful for the said Supreme Court, upon such terms as to costs and otherwise as it shall think proper, to admit any further legal evidence besides that adduced before the Consul, on its being established to the satisfaction of the said Supreme Court, by oath or affidavit, that the party desiring to produce such further evidence was ignorant of the existence of such evidence, or was taken by surprise at the hearing before the Consul, or was unable to produce it before the Consul after due and reasonable diligence and exertion on his part, or where, under the circumstances of the case, it shall appear to the said Supreme Court that further evidence ought to be received.

XIV. And it is further ordered, that Her Majesty's Consul shall have power, in any civil suit, dispute, difference, or cause of litigation, to examine on oath, or in such form and with such ceremonies as the witness may declare to be binding on his conscience, any witness who may appear before him, and shall have power, on the application of any party in such suit, to issue a compulsory order for the attendance of any person being a British subject who may be competent to give evidence in such suit; and any British subject who shall have been duly served with any such compulsory order, and with a reasonable notice of the day of hearing such suit, and upon his expenses of appearing as a witness having been paid or tendered to him by the party at whose application he shall have been ordered to attend, shall, on his wilful default to appear as a witness at the hearing of such suit, be punished with a fine not exceeding 100 dollars, or with imprisonment for a period not exceeding 30 days, at the discretion of the said Consul.

XV. Every witness, being a British subject, so examined on oath, whether before the Consul or before the Moorish Governor or Kadi, who shall in any such examination give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury.

XVI. And it is further ordered, that it shall be lawful for Her Majesty's Consul to promote the settlement of any civil suit, dispute, difference, or cause of litigation, by amicable agreement between the parties; and, with the consent of the several parties, to refer the decision of a suit or contention to one or more arbitrators, and to take security from the parties that they will be bound by the result of such arbitration; and the award of such arbitrator or arbitrators shall be, to all intents and purposes, deemed and taken to be a judgment or sentence of Her Majesty's Consul in

such civil suit, dispute, difference, or cause of litigation, and shall be entered and recorded as such, and shall have the like effect and operation, and shall be enforced accordingly, and shall be final and conclusive to all intents and purposes, and shall not be open to appeal, unless the same shall, within a reasonable time, have been ordered by the Consul to be set aside, on the ground that it is not final, or is defective, or that the arbitrator or arbitrators have exceeded their authority, or have been guilty of misconduct in the matter.

XVII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him, any British subject who may be charged with having committed any crime or offence within the dominions of the Sultan of Morocco; and such Consul shall thereupon proceed with all convenient speed to inquire of the same, and for such purpose shall have power to examine on oath, or in such form and with such ceremony as the witness shall declare to be binding on his conscience, any witness who may appear before him to prove the charge; and also shall have power to compel any person, being a British subject, who may be competent to give evidence as to the guilt or innocence of the party so charged, to appear and give evidence, and to punish the wilful default of any such person to appear and give evidence, after reasonable notice of the day of the hearing of such charge, by fine or imprisonment, in like manner as is provided in Article XIV of this Order, and shall examine every such witness in the presence and hearing of the party accused, and shall afford the party accused all reasonable facility for cross-examining such witness, and shall cause the deposition of every such witness to be reduced to writing, and the same to be read over, and, if necessary, explained to the party accused, together with any other evidence that may have been urged against him during the course of the inquiry, and shall require such accused party to defend himself against the charge brought against him, and, if necessary, advise him of the legal effect of any voluntary confession, and shall take the evidence of any witness whom the accused party may tender to be examined in his defence; and every witness being a British subject so examined as aforesaid, who shall upon any such occasion give wilfully false testimony, may be convicted of and punished for the crime of wilful and corrupt perjury; and when the case has been fully inquired into, and the innocence or guilt of the person accused has been established to the satisfaction of the Consul, the Consul, as the case may be, shall either discharge the party accused from custody, if satisfied of his innocence, or proceed to pass sentence on him if satisfied of his guilt; and it shall be lawful for the Consul, having inquired of, tried, and determined, in the manner aforesaid, any charge which may be brought

before him, to award to the party convicted any amount of punishment not exceeding imprisonment for one calendar month, or a fine of 200 dollars.

XVIII. And it is further ordered that if the crime or offence whereof any person being a British subject may be accused before Her Majesty's Consul as aforesaid, shall appear to such Consul to be of such a nature as, if proved, would not be adequately punished by the infliction of such punishment as aforesaid, it shall be lawful for such Consul to summon not less than 2, or not more than 4, disinterested British subjects of good repute to sit with him as Assessors for inquiring of, trying, and determining the charges against such person; and the Consul, when he shall try any such charge with the assistance of Assessors as aforesaid, shall, if he is himself convinced of the guilt of the party accused, have power to award any amount of punishment not exceeding imprisonment for 12 calendar months, or a fine of 1,000 dollars; and the Assessors aforesaid shall have no authority to decide on the innocence or guilt of the party accused, or on the amount of punishment to be awarded to him on conviction, but in the event of the said Assessors, or any of them, dissenting from the conviction of or from the amount of punishment awarded to the accused party, the Assessors or Assessor so dissenting shall be authorized to record in the minutes of the proceedings the grounds on which they or he may so dissent, and the Consul shall forthwith report to Her Majesty's *Chargé d'Affaires* and Consul-General for Morocco the fact of such dissent and of its having been so recorded in the minutes of the proceedings, and shall as soon as possible lay before the said *Chargé d'Affaires* and Consul-General copies of the whole of the depositions and proceedings, with the dissent of the Assessor or Assessors recorded therein, and it shall be lawful thereupon for Her Majesty's said *Chargé d'Affaires* and Consul-General, by Warrant under his hand and seal addressed to the Consul, to confirm, or vary, or remit altogether, as to him may seem fit, the sentence and punishment awarded to the party accused, and such Consul shall give immediate effect to the injunction of any such Warrant: Provided always, that in any case in which the Assessor or Assessors shall dissent from the conviction of or from the amount of punishment awarded to the accused party, it shall be lawful for Her Majesty's Consul to take good and sufficient bail from the accused party to appear and undergo the punishment awarded to him, provided the same or any portion thereof be confirmed by Her Majesty's *Chargé d'Affaires* and Consul-General, which punishment so confirmed shall commence and take effect from the day on which the decision of Her Majesty's said *Chargé d'Affaires* and Consul-General shall be notified to the party accused.

XIX. And in order more effectually to repress crimes and offences on the part of British subjects within the dominions of the Sultan of Morocco, it is further ordered, that it shall and may be lawful for Her Majesty's Consul to cause any British subject who shall have been twice convicted before him of any crime or offence, and punished for the same, and who, after execution of the sentence of the Consul, or any second conviction, shall not be able to find good and sufficient security, to the satisfaction of the Consul, for his future good behaviour, or who, having been deported under any sentence, shall during such sentence return, to be sent out of the dominions of the Sultan of Morocco; and to this end the Consul shall have power and authority, as soon as may be practicable after execution of the sentence on such second conviction, to send any such twice-convicted party, or any person so returning as aforesaid, to Her Majesty's garrison and territory of Gibraltar, and in the meantime to detain such party in custody until a suitable opportunity for sending him out of the dominions of the Sultan of Morocco shall present itself; and any person so to be sent out of the said dominions as aforesaid shall be embarked in custody on board one of Her Majesty's vessels of war, or, if there shall be no such vessel available for such purpose, then on board any British vessel bound to Gibraltar; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel bound to Gibraltar, to receive any such person as aforesaid under a Warrant from the Consul to him addressed, and thereupon to convey such person in custody to Gibraltar as aforesaid, in the same manner as if he were a distressed British subject, unless he shall be willing and able himself to defray the expenses of his passage.

XX. And it is further ordered, that in any case in which any British subject shall be accused before Her Majesty's Consul of the crime of arson, or house-breaking, or cutting and maiming, or stabbing or wounding, or of any assault endangering life, or of wilfully causing any bodily injury dangerous to life, or of wilful or corrupt perjury, the proceedings before the Consul shall be carried on with the aid of Assessors convened in the manner aforesaid; and it shall be lawful for the Consul, if to him it shall seem fit, to cause any person convicted before him of any of the crimes aforesaid, over and above any fine or imprisonment which may be awarded to such person, to be sent out of the dominions of the Sultan of Morocco for such time as to him shall seem meet, in the manner pointed out in the next preceding Article of this Order, notwithstanding the crime laid to the charge of such person may be the first of which he has been convicted before the Consul.

XXI. And it is further ordered, that it shall be lawful for Her

Majesty's Consul within the dominions of the Sultan of Morocco, upon information laid before him by one or more credible witnesses, that there is reasonable ground to apprehend that any British subject is about to commit a breach of the public peace, to cause such British subject to be brought before him, and to require such British subject to give sufficient security to keep the peace; and in the event of any British subject being convicted of and punished for a breach of the peace, to cause such British subject, after he shall have undergone the punishment which may have been awarded to him by the Consul, to find security for his good behaviour; and in the event of any British subject who may be required as aforesaid to give sufficient security to keep the peace, or to find security for his good behaviour, being unable or wilfully omitting to do so, then, and in any such case, it shall be lawful for Her Majesty's Consul to send such British subject out of the dominions of the Sultan of Morocco, in the manner pointed out in Article XIX of this Order.

XXII. And it is further ordered, that in all cases in which a British subject shall have been sent out of the dominions of the Sultan of Morocco, as provided in the 3 next preceding Articles of this Order, the Consul sending him out shall forthwith report such act of deportation, with the grounds of his decision thereon, to Her Majesty's Chargé d'Affaires and Consul-General in Morocco.

XXIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause to be apprehended and brought before him any British subject who may be charged with smuggling or importing into the dominions of the said Sultan any goods whereon any duty shall be charged, or payable, to the said Sultan, with intent to evade the payment of such duty, or any goods the importation whereof shall be prohibited; and such Consul shall thereupon proceed, with all convenient speed, to inquire into the same, on oath or solemn affirmation, and to hear the witnesses on both sides, with like powers, and in like manner in all respects, as is provided by Article XIV of this Order. And it shall be lawful for the Consul, having inquired into and heard the said charge, to determine the same, and if he shall find the party guilty, if the charge against him shall be of importing into the said dominions prohibited goods, then to award him to pay a fine not exceeding treble the value of the said goods at the current price of the day; and if the charge shall be of smuggling, or importing goods with intent to evade the payment of duty as aforesaid, then to award him to pay a fine not exceeding treble the amount of the duties leviable thereon; and in case of non-payment of any such fine or fines, to award him to be imprisoned for a period not exceeding 3 months; or it shall be lawful for such Consul, without awarding the payment of any fine, to award that such party shall be imprisoned

for a period not exceeding 6 months, in such place as he shall appoint: Provided always, that no British subject charged only with importing prohibited goods shall be apprehended, unless and until he shall have had one week's notice to appear and answer the charge, and shall have refused, failed, or omitted so to appear.

XXIV. And it is further ordered, that a report of every sentence passed by a subordinate Consular officer, in respect of any of the matters mentioned in Articles XVII, XVIII, XIX, XX, and XXI of this Order, and awarding a fine exceeding 200 dollars, or imprisonment for a term exceeding one calendar month, shall be sent in by such Consular officer to the superior Consular officer of the district; and on the receipt of such report, such superior Consular officer shall proceed, without Assessors, to revise such sentence as to him shall seem fit; and in the case of every sentence pronounced by the subordinate Consular officer without Assessors, or with the concurrence of Assessors, the decision of the superior Consular officer shall be final and conclusive: but in the case of any sentence pronounced by the subordinate Consular officer, from which the Assessors, or either of them, shall have dissented, the superior Consular officer shall not proceed to revise such sentence, but shall submit all the proceedings to Her Majesty's Chargé d'Affaires and Consul-General, in the same manner as if the case had been originally heard and decided by the superior Consular officer with dissent on the part of the Assessors, or either of them.

XXV. And it is further ordered that, in cases of common assault, it shall be lawful for the Consul before whom the complaint is made, to promote reconciliation between the parties, and to suffer compensation and amends to be made, and the proceedings thereby to be finally stayed.

XXVI. And it is further ordered, that a minute of the proceedings in every case heard and determined before the Consul, in pursuance of this Order, shall be carefully drawn up and be signed by the Consul, and shall, in cases where the Assessors are present, be open for the inspection of such Assessors, and for their signature if they therein shall concur; and every such minute, together with the depositions of the witnesses, shall be preserved in the public office of the said Consul.

XXVII. And it is further ordered that, save and except as regards offences committed by British subjects against the stipulations of any Treaty between Her Majesty and the Sultan of Morocco, or against any rules and regulations for the observance of the stipulations of any such Treaty or Convention, duly affixed and exhibited according to the provisions of Article II of this Order, or against any rules and regulations for the peace, order, and good government of Her Majesty's subjects being within the dominions

of the Sultan of Morocco, no act done by a British subject within the dominions of the said Sultan shall, by Her Majesty's Consul, be deemed and taken to be a crime or misdemeanour, or offence rendering the person committing it amenable to punishment, which, if done within any part of Her Majesty's dominions, would not, by a court of justice having criminal jurisdiction in Her Majesty's dominions, have been deemed and taken to be a crime or misdemeanour, or offence, rendering the person committing it amenable to punishment; and Her Majesty is pleased to appoint, by and with the advice of Her Privy Council, Her Majesty's garrison and territory of Gibraltar as the place where crimes and offences committed by British subjects within the dominions of the Sultan of Morocco, which it may be expedient shall be inquired of, tried, determined, and punished within Her Majesty's dominions, shall be so inquired of, tried, determined, and punished; and Her Majesty's Consul resident in Morocco shall have authority to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him to be sent for trial to Her Majesty's said garrison and territory of Gibraltar.

XXVIII. And it is further ordered, that it shall be lawful for Her Majesty's Consul to cause any British subject charged with the commission of any crime or offence, the cognizance whereof may at any time appertain to him, to be sent, in any of Her Majesty's ships of war, or in any British vessel, to Her Majesty's garrison and territory of Gibraltar, for trial before the Supreme Court of the said garrison and territory; and it shall be lawful for the Commander of any of Her Majesty's ships of war, or of any British vessel, to receive any such person on board, with a warrant from the said Consul addressed to the Chief Magistrate of Police of the said garrison and territory; and thereupon to keep and detain in lawful custody, and to convey him in custody to Gibraltar, and on his arrival there to deliver him, with the said warrant, into the custody of the said Chief Magistrate of Police, or other officer within the said garrison and territory, lawfully acting as such, who, on receipt of the said warrant, and of the party therein named, shall be authorized to commit, and shall commit, such party so sent for trial to the common gaol of the said garrison and territory: and it shall be lawful for the keeper of the said common gaol to cause such party to be detained in safe and proper custody, and to be produced upon the order of the said Supreme Court; and the Supreme Court at the Sessions to be holden next after such committal shall proceed to hear and determine the charge against such party, and to punish him for the same if found guilty, in the same manner as if

the crime with which he may be charged had been committed within Her Majesty's said garrison and territory of Gibraltar.

XXIX. And it is further ordered, that Her Majesty's Consul, on any occasion of sending a prisoner to Gibraltar for trial, shall observe the provisions made with regard to prisoners sent for trial to a British colony in an Act passed in the 6th and 7th years of Her Majesty's reign, intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty, within divers countries and places out of Her Majesty's dominions, and to render the same more effectual."*

XXX. And it is further ordered, that the Supreme Court of Her Majesty's garrison and territory of Gibraltar shall have and may exercise, concurrently with Her Majesty's Consul, authority and jurisdiction in regard to all suits of a civil nature, between British subjects, arising within any part of the dominions of the Sultan of Morocco: Provided always, that the said Supreme Court shall not be bound, unless in a fit case it shall deem it right so to do, by writ of *certiorari* or otherwise, to debar or prohibit the Consul from hearing and determining, pursuant to the provisions of the several Articles of this Order, any suit of a civil nature between British subjects, or to stay the proceedings of the Consul in any such matter.

XXXI. And it is further ordered, that all fines and penalties imposed under this Order may be levied by distress and seizure, and sale of ships, and of goods and chattels; and no bill of sale, mortgage, or transfer of property made by a party accused after his apprehension, or with a view to securing such party against any crime or offence committed or to be committed by him, or against the consequences thereof, shall avail to defeat any of the provisions of this Order.

XXXII. And it is further ordered, that it shall be lawful for Her Majesty's Consul, from time to time, to establish rules of practice to be observed in proceedings before him, and to make regulations for defraying the expenses of witnesses in such proceedings, and the cost of criminal prosecutions, and also to establish rates and scales of fees to be taken in regard to civil suits heard and determined before the said Consul; and it shall be lawful for the said Consul to enforce, by seizure and sale of goods, or, if there be no sufficient goods, by imprisonment, the payment of such established fees, and of such costs or expenses as may be adjudged against the parties, or any of them: Provided always, that a table specifying the rates of fees to be so taken shall be affixed and kept exhibited in the public office of the said Consul.

XXXIII. And it is further ordered, that all fees, penalties, fines,

and forfeitures levied under this Order, save and except such penalties as may by Treaty be payable to the Sultan of Morocco, shall be paid to the public account, and shall be applied in diminution of the public expenditure, on account of Her Majesty's Consulate in Morocco: Provided always, that in the event of any of the Moorish authorities declining to receive fines payable to the Government of Morocco as aforesaid, the same shall also be paid to the public account, and applied in the manner last-mentioned.

XXXIV. And it is further ordered, that it shall be lawful for Her Majesty's Consul to grant probate of will, or letters of administration to the intestate estate of any British subject, or any native of a State or place under British protection, who shall die and leave property within the dominions of the Sultan of Morocco; and if such probate or letters of administration shall not be applied for within 30 days after the death of the deceased person, it shall be lawful for the Consul to administer to the estate of such person, and, for so doing, to reserve to himself, out of the proceeds of such estate, a commission not exceeding $2\frac{1}{2}$ per cent. on the amount thereof.

XXXV. And it is further ordered, that a register shall be kept by Her Majesty's Consul of all British subjects residing within the dominions of the Sultan of Morocco; and that every British subject now residing within such dominions, who shall not have been already enrolled in such Consular register, shall, within a reasonable time after the promulgation of this Order (such time to be specified in a note affixed and publicly exhibited in the Consular office), apply to the Consul to be enrolled in such register; and every British subject who may arrive within the said dominions (except British subjects borne on the muster-roll of any British ship arriving in any port of Morocco) shall, within a reasonable time after his arrival, such time to be specified as aforesaid, also apply to the Consul to be enrolled in such register; and any British subject who shall refuse or neglect to apply to be so enrolled as hereinbefore-mentioned, and who shall not excuse such refusal or neglect to the satisfaction of the Consul, shall not be entitled to be recognized or protected as a British subject in respect to any suit, dispute, or difficulty in which he may have been or may be engaged or involved within the dominions of the Sultan of Morocco, at any time when he shall not have been or shall not be so enrolled.

XXXVI. And it is further ordered, that Her Majesty's Consul shall and may exercise all or any of the powers which, by any Act or Acts of the Imperial Parliament for the regulation of merchant seamen, or for the regulation of the mercantile marine, may now or at any time hereafter be exercised by any Justice or Justices of the Peace within Her Majesty's dominions.

XXXVII. And it is further ordered, that nothing in this Order contained shall be deemed or construed to prevent Her Majesty's Consul, within the dominions of the Sultan of Morocco, from doing or performing any act whatsoever which British Consuls within any other State in amity with Her Majesty are by law, usage, or sufferance, entitled or enabled to do or perform.

XXXVIII. And it is further ordered, that every action or suit brought against Her Majesty's Consul, by reason of anything done under the authority of this Order, shall be commenced within 6 calendar months next after the doing thereof, and not otherwise; and the defendant in every such action or suit shall be entitled to the benefit of the provisions made with respect to defendants in actions or suits in the said hereinbefore recited Act of the 6th and 7th years of Her Majesty's reign.

XXXIX. And it is further ordered, that the word "Consul" in this Order shall include every Consul-General, Consul, Vice-Consul, and Consular Agent, and every person duly authorized to act in any of the aforesaid capacities, within the dominions of the Sultan of Morocco; and that, in the construction of this Order, words importing the singular number shall, if necessary, be understood to include several persons, matters, or things; and words importing the masculine gender only shall, if necessary, be understood to import the feminine gender, unless there be something in the subject or context repugnant to such construction.

XL. And it is further ordered, that this Order shall take effect on and after the 1st day of November now next ensuing.

XLI. And the Right Honourable the Earl of Clarendon, and the Right Honourable the Lord Panmure, two of Her Majesty's Principal Secretaries of State, and the Lords Commissioners of the Admiralty, are to give the necessary directions herein, as to them may respectively appertain.

C. C. GREVILLE.

BRITISH ORDER IN COUNCIL, for the Regulation of British Consular Jurisdiction in Morocco.—Osborne, February 4, 1875.

At the Court at Osborne House, Isle of Wight, the 4th day of February, 1875.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY IN COUNCIL.

WHEREAS by the General Treaty made between Her Majesty the Queen and the Sultan of Morocco, on the 9th day of December,

1856,* it is agreed (among other things) to the effect following (Article XIV), that in all criminal cases, differences, disputes, or other causes of litigation arising between British subjects and the subjects or citizens of other foreign nations, no Moorish authority shall have a right to interfere unless a Moorish subject has received thereby injury to his person or property, in which case the Moorish authority, or one of his officers, shall have a right to be present at the tribunal of the Consul; such cases shall be decided solely in the tribunals of the foreign Consuls, without the interference of the Moorish Government, according to the established usages which had theretofore been acted upon, or might thereafter be arranged between such Consuls:

And whereas it seems to Her Majesty the Queen in Council expedient to make provision for the effectual exercise of the jurisdiction in the said Article mentioned:

Now, therefore, Her Majesty the Queen, by virtue and in exercise of the powers in this behalf by the Foreign Jurisdiction Acts, or otherwise, in Her Majesty vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

I. In either of the following cases (that is to say) where,

(1.) A subject or citizen of or person enjoying the protection of a State in amity with Her Majesty the Queen other than Morocco (in this Order referred to as a foreigner) desires to institute or take before Her Majesty's Consul a suit or proceeding of a civil nature against a British subject, or he has, before the passing of this Order, instituted or taken such a suit or proceeding, and the same is then pending; or,

(2.) A British subject desires to institute or take before Her Majesty's Consul a suit or proceeding of a civil nature against a foreigner, or he has, before the passing of this Order, instituted or taken such a suit or proceeding, and the same is then pending:

The Consul shall entertain the suit or proceeding, and shall hear and determine it.

Provided, that the Consul shall not proceed therein unless and until the foreigner obtains and files in the Court of the Consul, the consent, in writing, of the competent authority of the foreigner's own nation to his submitting, and does submit, to the jurisdiction of the Consul, and, if required by the Consul, gives security, to the satisfaction of the Consul, by deposit or otherwise, to pay fees, damages, costs, and expenses, and abide by and perform the decision of the Consul subject to the right of appeal.

II. Article X (relating to appeals) of the Order in Council

regulating Consular Jurisdiction in Morocco, dated the 27th day of August, 1857,* and all other provisions of that Order relating to civil suits and proceedings, shall extend and apply to suits and proceedings within this Order, and this Order shall (as far as may be) be read as one with the Order of the 27th day of August, 1857.

III. Nothing in this Order shall prejudicially affect the lawfulness or validity of any order or thing made or done by any of Her Majesty's Consuls before the passing of this Order; and every such order and thing shall be as lawful and valid, and may be enforced and acted on, in like manner in all respects, as if this Order had not been made.

And the Right Honourable the Earl of Derby, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein given.

ARTHUR HELPS.

ORDINANCE of the Governor of the Colony of Fiji, for the Relief of Aliens. [Real and Personal Property. Naturalization.]

[No. 13.]

[October 30, 1875.]

BE it enacted by his Excellency the Governor, with the advice and consent of the Legislative Council, as follows:

I. This Ordinance shall be called, and may be cited for all purposes as, "The Aliens Ordinance, 1875."

II. Every alien friend now or heretofore resident in the Colony of Fiji may inherit or otherwise take by representation, acquire, and hold, either by grant from the Crown or otherwise, and may convey, assign, devise, bequeath, or otherwise dispose of every description of property, whether real or personal, in the said Colony, in the same manner as if he were a natural-born subject of Her Majesty.

III. When any alien friend now residing in or who shall hereafter reside within Fiji desires to be naturalized in the said Colony, it shall be lawful for such alien as aforesaid to present to the Governor a memorial verified upon oath, stating the age, profession, trade, or occupation of the memorialist, and the duration of his residence in the Colony, and all other grounds on which he seeks to be naturalized as aforesaid, and praying the Governor to grant to the memorialist a certificate of naturalization as prescribed in the first Schedule hereto.

IV. And every such memorial shall be considered by the

Governor, who may, if he shall so think fit, issue a certificate as aforesaid to the memorialist upon his taking the oath prescribed in the second Schedule hereto.

V. If any person resident in Fiji, who has previously obtained any certificate of naturalization in any other British colony, desires to be naturalized in Fiji, he shall submit such certificate with a memorial as aforesaid to the Governor, who may, at his discretion, forthwith grant to such person a certificate of naturalization.

VI. When any alien woman in the colony is married to any natural-born or naturalized subject of Her Majesty, such woman shall thereby become and be naturalized in and for the Colony.

VII. The Colonial Secretary shall record every certificate of naturalization granted under this Ordinance, and shall demand and receive from every person to whom such certificate is granted the fee of 1*l.* in respect of such enrolment, and shall permit every person desirous of so doing to inspect the same and make copies of such certificate on payment of the fee of 2*s.* 6*d.* for every such inspection.

VIII. If any person to whom a certificate of naturalization has been granted be convicted of having wilfully made any false statement in his memorial, he shall be deemed guilty of perjury, and such certificate of naturalization shall, except against a *bonâ fide* purchaser from such person for valuable consideration, become thereby void.

Passed in Council this 28th day of October, in the year of Our Lord 1875.

October 30, 1875.

(L.S.) ARTHUR GORDON.

SCHEDULE I.

Certificate of Naturalization.

In pursuance of the power and authority vested in me by an Ordinance of this colony of Fiji intituled "The Aliens Ordinance, 1875," I hereby grant to A.B. (upon his taking the oath prescribed by the said Ordinance) all the rights and capacities of a natural-born British subject in and for the Colony of Fiji. Provided always and I do hereby declare that all the before-mentioned rights and capacities of a natural-born British subject are granted to the aforesaid A.B., upon the condition that he shall continue to reside permanently within the limits of the said Colony of Fiji, and that if at any time hereafter he shall voluntarily be absent from the said Colony for a period of one year at any one time without licence in writing under the hand of a Governor of the said Colony, or of one of Her Majesty's Principal Secretaries of State, he shall be deemed to have ceased to reside permanently within the Colony of Fiji as aforesaid, and then and in such case this certificate and all the rights and capacities thereby granted shall absolutely determine and cease.

In witness whereof I have hereunto subscribed my name this _____ day
of _____, 187 .

SCHEDULE II.

I do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of Fiji.

So help me God.

TREATIES of Friendship, Commerce, Slave Trade, &c., between Great Britain and Native Chiefs and States on the West Coast of Africa.—1875.

(1.)—*TREATY with Samoh, &c. Peace. Slave Trade. Bendoo, April 19, 1875.*

TREATY between his Excellency C. H. Kortright, Esq., Governor-in-Chief of the West Africa Settlements, on behalf of Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and her successors, on the one part, and Sisi Hanmoh, Chief of Samoh and Representative for Queen Magawo, of Luboo Land, Gbaboh, of the Boom Land, Tissana, Siafa Tindo, Representative of Canry Vong, Chief of Higgmah, Prime Minister of the Magow of Luboo, Carbanta of Sainjehoo, Banna Cuttomah, Chief Messenger of Carbanta, Canray Bearmah and Sisi Conday, Representatives of Yeomoh, Chief of Bengha, Thomas Bongo, Chief of Mobongo, Bannah Tam, son of the Prime Minister Canry Vong, Humpha Magbi, Speaker for Carbanta, and Murry Brimah, of Momando.

WHEREAS peace has not hitherto existed in the above countries in consequence of the frequent resort to arms by the native Chiefs and other inhabitants for the purpose of settling their disputes; and whereas it is exceedingly desirable that peace should be established upon a firm basis, in order to ensure the prosperity of trade, the advancement of civilization, and the extension of the Christian religion:

His Excellency C. H. Kortright, Esq., Governor-in-Chief of the West Africa Settlements, being moved thereto, has agreed to assist in completing and maintaining peace, provided the following conditions be strictly adhered to:—

ART. I. It is agreed there shall be peace between the subjects of Her Majesty the Queen of England and her successors and the subjects of the several Chiefs and their successors parties to this Treaty,

and there shall also be peace between the said several Chiefs and their subjects respectively.

II. Should any difference or dispute arise between any of the Chiefs parties to this Treaty or their subjects, and that they should, after mature consideration, be unable to terminate such a difference or dispute peacefully or satisfactorily among themselves, they shall refer the question to the Commandant of Sherbro, who shall report the same to his Excellency the Governor-in-Chief of the West Africa Settlements, whose decision therein shall be final and binding upon all the parties concerned.

III. Should any cause of dispute or quarrel arise between any of the Chiefs parties to this Treaty and their successors or their subjects, and any Kings or Chiefs to the eastward of their territories, or the subjects of such Kings or Chiefs, the same shall be made known immediately to the Commandant of Sherbro, who shall report the same to his Excellency the Governor-in-Chief, in order that, should his Excellency so approve, any recourse to arms may be avoided by the friendly and timely mediation of this Government.

IV. British subjects are strictly prohibited from breaking the country laws and interfering in any way with the quarrels of the native Chiefs or their subjects, and from aiding, assisting, and countenancing or supporting them, directly or indirectly, against each other.

V. Should any British subject, whilst residing in any of the territories of any of the Chiefs parties to this Treaty, commit any crime against the laws of this Settlement, or shall own or possess a slave or slaves, or pawn or pledge, or receive in pawn or pledge, a man or woman, a boy or girl, or deal in slaves, or be in any way, directly or indirectly, engaged in the Slave Trade, such British subject shall be conveyed to the nearest English magistrate, either in Sherbro or Sierra Leone, together with the witnesses for and against him, and such English magistrate shall deal with the case according to the laws then in force in this Settlement; and it is hereby agreed that the expense of conveying such British subject and the witnesses for and against him to and from British territory, and the expense incurred in the maintenance of the said British subject and the said witnesses respectively whilst in English territory, shall be defrayed by the Government of this Settlement, and for this purpose the magistrate aforesaid shall determine who is to be considered and treated as a witness in the case.

VI. It shall not be lawful for any person whatsoever in any way to restrain the liberty of any of Her Majesty's subjects, except for the purpose of ensuring his safe keeping, after the commission of an offence, until he is surrendered to the nearest English authority to be dealt with as before herein provided.

VII. All roads to the interior and to countries to the eastward of the territories of the Chiefs parties hereto, and all roads generally throughout the territories of the said Chiefs, shall be kept at all times clean and open; they are not to be shut on any pretext whatever; and all parties, British subjects, native strangers, and others, shall be allowed to travel thereon free and unmolested.

VIII. Traders must establish themselves at such places as the respective Chiefs may think fit to allot them for their factories, and must not go inland to trade unless permission be given them by the several Chiefs in whose territories they may find themselves from time to time. The rivers shall be free to all persons to come and to go.

IX. The ministers of the Christian religion shall be permitted to reside and exercise their calling, and they are to receive all honour and protection within the territories of the said Chiefs, and they shall be encouraged to establish schools for the education and proper training up of the youth of both sexes.

X. If the Governor shall at any time or times appoint a magistrate to visit and remain in any of the territories of the said Chiefs for the purpose of carrying into effect the Act of the 24 and 25 Vict., cap. 31,* for the protection of Her Majesty's subjects and for securing due adherence to the stipulations of this Treaty, the person and property of such magistrate shall be inviolate, and he shall receive all honour and protection, and the Chiefs parties to this Treaty will permit him to visit and dwell in and exercise within such territory over Her Majesty's subjects inhabiting or being within the same such powers and authorities as shall by his commission be specially granted to him; and the said Chiefs will to the utmost of their power aid and assist him in the execution of such powers and authorities.

XI. The penalty of death shall on no occasion be put in force against a British subject by order of any of the above Chiefs, but such offender shall be handed over to the Queen's Government to be dealt with according to English law; and no British subject shall be sold into slavery.

Their C. H. KORTRIGHT, *Governor-in-Chief.*

✕ SISI HANMOH, *Chief of Samoh and Representative for Queen Magawo, of Luboo Land.*

✕ GBABOH, *of the Boom Land, Tissana.*

✕ SIAFA TINDO, *Representative of Canray Vong, Chief of Higgmah, Prime Minister of the Magow of Luboo.*

✕ CARBANTA, *of Sainjehoo.*

✕ BANNA CUTTOMAH, *Chief Messenger of Carbanta.*

marks.

Their

✕ CANRAY BEARMAH, AND SISI CONDAY, *Representatives of Yeomoh, Chief of Bengha.*

✕ THOMAS BONGO, *Chief of Mobongo.*

✕ BANNAH TAM, *son of the Prime Minister, Canray Vong.*

✕ HUMPHA MAGBI, *Speaker for Carbanta.*

marks. MURRY BRIMAH, *of Momando (signed in Arabic).*

Witnesses :

N. DARNELD DAVIS, *Civil Commandant.*

K. ROWAN NIVEN, *Captain 1st West India Regiment.*

We have witnessed the signatures of the several parties attached to this Treaty, and we subscribe our names as parties to the same.

Their

✕ W. E. TUCKER, *Chief of Bullom.*

✕ DAVID TUCKER, *alias BABAJUBA.*

✕ GEORGE TUCKER.

✕ JACK TUCKER.

✕ W. B. TUCKER.

marks.

Dated at Bendoo, British Sherbro, this 19th day of April, 1875.

(2.)—*AGREEMENT with the Chiefs of Sherbro and Mendi People (Gbah). Peace. Sennehoo, December 21, 1875.*

At a Conference held this 21st day of December, 1875, at Sennehoo, it is agreed for and on behalf of the Gbah section of the Mendi people :

1. That all disputes between themselves and the tribes lying between them and the possessions of Her Majesty the Queen of England in British Sherbro, shall be submitted to the arbitration of the Governor of Sierra Leone, and his decision shall be considered final and binding.

2. The Chiefs of the Gbah people hereby solemnly promise that they will not (as has hitherto been the custom) hire out war-boys to the neighbouring Chiefs in countries bordering the British possessions; that they will take no part in the wars of these countries where they are likely to come into contact with the British possessions, without the special permission of the Governor of Sierra Leone.

3. That they will immediately recall the war-boys from "Lah Saroo" and Tom Cabby Smith, Chief Gbersey, as well as any other parties which may be engaged in the war in the Jong River and in the lower part of the Big Boom over whom they have authority.

4. All war fences on the lower side of the Yambahtook River will be broken down and no fresh war fence constructed. The existence or the construction of a war fence will be considered a declaration of war against the Government of Sierra Leone.

5. In consideration of the loss caused by the late raid on the Sherbro territory, they promise to pay as a fine to the Governor of Sierra Leone 10,000 bushels of rough rice; the half to be paid during the present season, and a part of that half immediately: or in default of their so doing they consent that one-tenth part of all the native produce shipped from the wharfs of Sennehoo, Paytfoo, Magbobo, or other Mendi trading places shall be taken by the Governor of Sierra Leone in payment of this fine, and the expenses consequent on the collection of these goods shall be an additional charge on the Mendi people; such tithe to commence from the date of this Agreement.

6. They further promise that they will use their best endeavours to hand over Chief Gbassay to the Governor of Sierra Leone, that Chief having made himself prominent in sending defiant and insulting messages to the Governor, and as they themselves disown all connection with the late raid, they will endeavour to obtain the release of those captives who have not already been handed over; and especially the immediate restoration of the girl Bome, the daughter of the man Gilbert, who was ill-treated by Chief Gbassay when he came to demand his child at Modina on the 6th December, 1875.

7. Provided always, that the terms of this Agreement shall be subject to the approval of Her Majesty's Government,* and also that nothing herein stated shall be held to prejudice the right of Her Most Gracious Majesty Queen Victoria to exact such further reparation for the outrages committed on Her Majesty's territory and on the lives and property of Her Majesty's subjects as may seem to her good.

RICHARD CANRAY BAH CAULKER, *Chief of*

Their *Bompeh and Ribbee, &c.*

X BANNAH WILL CAULKER, *Chief of Mahmoo.*

X SORIE KEHSEBBEH.

MOMODOO CARIMOO (signed in Arabic).

X HUMPHA RANGO, *Chief of Dodo.*

X KAH BEKKEH.

X GUMBO PYEN.

X GBANYAH.

X ALLI.

X NDIAMOH.

X LOROE YAHAN.

marks.

* Approved February 22, 1876.

Their

✕ NYAHAN MOYE.
 ✕ MOORI FORAY.
 ✕ DEGBEH.
 ✕ MOMODOO JANJAH.
 ✕ HAGBA.

marks.

Signed in the presence of:

SAMUEL ROWE, *Lieutenant-Governor*.

A. C. ALLINSON, *J.P.*, *Captain 1st West India Regiment*.

P. A. WALL, *J.P.*, *Acting Commandant and Deputy Collector of Customs, British Sherbro*.

A. S. ROBERTS, *Sub-Lieutenant 1st West India Regiment*.

JACOB WM. LEWIS, *Governor's Clerk and Clerk of Council, Sierra Leone*.

J. BRIGHT DAVIES, *Treasury Clerk*.

— DUNCAN, *Sierra Leone Trader*.

JOHN D. GEORGE, *Sierra Leone*.

We, the Undersigned, do swear that the whole of the terms of this Agreement have been honestly and truly interpreted to the Contracting Parties, in the Sherbro, Mendi, and Timmanee languages respectively, and on several occasions, both in private as well as public.

His GEO. G. BARNETT.

✕ GEORGE EASMON.

mark. JAS. A. WILLIAMS.

SAML. G. McCAULAY.

(3.)—*AGREEMENT with the Chiefs of the Sherbro and Mendi People (Bompey, Ribbee, Mahmoo, Dodo). Peace. Sennehoo, December 21, 1875.**

At a Conference held this 21st day of December, 1875, at Sennehoo, it is agreed by the undermentioned Chiefs of the Sherbro people that all disputes between themselves and the Mendis shall, in all cases, be submitted to the arbitration of the Governor of Sierra Leone, and that they will consider his decision final and binding upon themselves.

2. The Sherbro Chiefs further bind themselves not to call in the assistance of Mendi war-boys in their local and personal quarrels.

3. The Chiefs of the Sherbro and Mendi people here present promise, for and on behalf of themselves and their respective tribes, that the inhabitants respectively of the Sherbro and Mendi countries shall have free liberty each to reside and trade in the country of the

other; and they engage that the roads through either country shall be equally free to either the Sherbro or the Mendi people.

4. The Sherbro Chiefs specially further promise for themselves that they will not put obstacles in the way of Mendi people wishing to carry their produce to the seaboard at Bonthe, Bendoo, or elsewhere; and the Mendi Chiefs on the other hand promise that the road to the interior through their country shall be equally free for Sherbro people wishing to proceed thither.

5. Whatever advantages are insured by this Agreement to the people of either of the contracting tribes, are also guaranteed to all such subjects of Her Most Gracious Majesty the Queen of England as may desire to avail themselves of them.

6. In return for the assistance rendered by the Queen's Government in compelling the Mendi war-men to leave the Bompeh territory, and with a view to the security and peace of the tribes living on the border of the British territory, and also with a view to reimbursing the Government of Sierra Leone for the expenses to which they have been put by the quarrel originating in the Caulker family, the Chiefs of Ribbee and Bompeh cede to Her Majesty's Government the right of collecting such Customs duties over the seaboard over which they have authority, as are imposed by the Government of Sierra Leone on the adjacent countries of Sierra Leone and British Sherbro. Her Majesty's Government will in consideration of this make such additional annual presents to those Chiefs, for their lifetime, as shall seem to them good. The right of collection of these duties shall exist from the date hereof, but nothing in this Agreement shall be binding on Her Majesty's Government until it has received Her Majesty's gracious approval and sanction.*

RICHARD CANRAY BAH CAULKER, *Chief of*

Their *Bompeh and Ribbee, &c.*

X BANNA WILL CAULKER, *Chief of Mahmoo.*

X SORIE KEHSEBBEH.

MOMODOO CARIMOO (signed in Arabic).

X HUMPHA RANGO, *Chief of Dodo.*

X KAH BEKKEH.

X GUMBO PYEN.

X GBANYAH.

X ALLI.

X NDIAMOH.

X LOROE YAHAN.

X NYAHAN MOYE.

X MOORI FORAY.

X DEGBEH.

X MOMODOO JANJAH.

X HAGBA.

marks.

* Approved February 22, 1876.

Signed in the presence of:

SAMUEL ROWE, *Lieutenant-Governor.*

A. C. ALLINSON, *J.P., Captain 1st West India Regiment.*

T. A. WALL, *J.P., Acting Commandant, and Deputy Collector of Customs, British Sherbro.*

A. S. ROBERTS, *Sub-Lieutenant 1st West India Regiment.*

JACOB WM. LEWIS, *Governor's Clerk and Clerk of Council, Sierra Leone.*

J. BRIGHT DAVIES, *Treasury Clerk.*

— DUNCAN, *Sierra Leone Trader.*

JOHN D. GEORGE, *Sierra Leone Trader.*

We, the Undersigned, do swear that the whole of the terms of this Agreement have been honestly and truly interpreted to the Contracting Parties, in the Sherbro, Mendi, and Timmanee languages respectively, and on several occasions, both in private as well as public.

JAMES A. WILLIAMS.

SAML. G. McCAULAY.

His SAML. P. BARNETT.

✂ GEORGE EASMON.

mark.

(4.)—*AGREEMENT with the Chiefs of the Sherbro and Mendi People (Tasso, Bendo-Thumba, Thumba, Mannoh, Bompehtook, Cockboro). Peace. Shaingay, December 30, 1875.**

At a Conference held this 30th day of December, 1875, at Shaingay, it is agreed by the undermentioned Chiefs of the Sherbro people that all disputes between themselves and the Mendis shall, in all cases, be submitted to the arbitration of the Governor of Sierra Leone; and that they will consider his decision final and binding upon themselves.

2. The Sherbro Chiefs further bind themselves not to call in the assistance of Mendi war-boys in their local and personal quarrels.

3. The Chiefs of the Sherbro and Mendi people, whose signatures are attached, promise, for and on behalf of themselves and their respective tribes, that the inhabitants respectively of the Sherbro and Mendi countries shall have free liberty each to reside and trade in the country of the other; and they engage that the roads through either country shall be equally free to either the Sherbro or the Mendi people.

4. The Sherbro Chiefs specially further promise for themselves that they will not put obstacles in the way of Mendi people wishing

* Approved February 22, 1876.

to carry their produce to the seaboard at Bonthe, Bendoo, or elsewhere; and the Mendi Chiefs, on the other hand, promise that the road to the interior through their country shall be equally free for Sherbro people wishing to proceed thither.

5. All war fences on the lower side of the Yambahtook River will be broken down, and no fresh war fence constructed; the existence or the construction of a war fence will be considered a declaration of war against the Government of Sierra Leone.

6. Whatever advantages are insured by this Agreement to the people of either of the contracting tribes are also guaranteed to all such subjects of Her Most Gracious Majesty the Queen of England as may desire to avail themselves of them.

7. In return for the assistance rendered by the Queen's Government in compelling the Mendi war-men to leave the Cockboro territory, and with a view to the security and peace of the tribes living on the border of the British territory, and also with a view to reimbursing the Government of Sierra Leone for the expenses to which they have been put by the quarrel originating in the Caulker family, the Chiefs of the Cockboro territory cede to Her Majesty's Government the right of collecting such Customs duties over the seaboard over which they have authority as are imposed by the Government of Sierra Leone on the adjacent countries of Sierra Leone and British Sherbro. Her Majesty's Government will, in consideration of this, make such additional annual presents to these Chiefs, for their lifetime, as shall seem to them good. The right of collection of these duties shall exist from the date hereof, but nothing in this Agreement shall be binding on Her Majesty's Government until it has received Her Majesty's gracious approval and sanction.*

GEORGE STEPHEN CAULKER, *Chief of Cockboro and Shaingay.*

JAMES S. G. CAULKER.

DAVID CAULKER.

ALLEN EDWARD CAULKER.

WILLIAM G. CAULKER.

Their HARRY B. CAULKER.

✕ YA COOMBA, *Chief of Tasso.*

✕ BA YONGHOB, *Chief of Bendo-Thumba.*

✕ YA BOME, *Chief of Thumba.*

✕ CO NIAMAH, *Chief of Mannoh.*

✕ CO BESS, *Chief of Bompehtook.*

✕ SO SANTE, *Chief of Cockboro.*

marks.

Signed in the presence of:

SAMUEL ROWE, *Lieutenant-Governor of the West African Settlements.*

* Approved February 22, 1876.

J. CRAIG LOGGIE, *Inspector-General of Police, Sierra Leone.*

W. F. BALLEs.

T. A. WALL, *J.P., Acting Commandant and Deputy Collector of Her Majesty's Customs, British Sherbro.*

JACOB WM. LEWIS, *Governor's Clerk and Clerk of Council, Sierra Leone.*

I, the Undersigned, do swear that the whole of the terms of this Agreement have been honestly and truly interpreted to the persons whose signatures are attached in the Sherbro language.

His

✂ GEORGE EASMON.
mark.

ACT of the Legislature of New South Wales, to amend the Law relating to Aliens. [Real and Personal Property.]

[39 Vict., No. 19.]

[June 29, 1875.]

WHEREAS by the Imperial Statute of the 33rd year of Her present Majesty [cap. 14],* intituled "An Act to amend the Law relating to the Legal Condition of Aliens and British Subjects," it is enacted that all laws, statutes, and ordinances which may be duly made by the Legislature of any British Possession for imparting to any person the privileges, or any of the privileges of naturalization to be enjoyed by such person within the limits of such possession, shall, within such limits, have the authority of law, but shall be subject to be confirmed or disallowed by Her Majesty, in the same manner and subject to the same rules in and subject to which Her Majesty has power to confirm or disallow any other laws, statutes, or ordinances in that possession :

And whereas it is expedient to amend the law of this Colony relating to aliens, in order that the same should, as far as practicable, be assimilated to that in force in the United Kingdom :

Be it therefore enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. This Act shall come into force on the 1st day of January, 1876, and may be cited for all purposes as the "Naturalization Act of New South Wales."

2. The Acts of the 11th and 17th years of Her present Majesty, intituled respectively "An Act to amend the Laws relating to Aliens within the Colony of New South Wales," and "An Act

to amend the Act relating to the Naturalization of Aliens," are hereby repealed. But such repeal shall not operate in derogation or prejudice of any right, title, or capacity, whether vested, contingent, or acquired under either of the said Acts prior to the passing of this Act, nor shall such repeal affect any liability, penalty, or forfeiture accrued or incurred before the passing of this Act, or the institution of any investigation or proceeding for ascertaining or enforcing any such liability, penalty, or forfeiture.

3. Real and personal property of every description in New South Wales may be taken, acquired, held, and disposed of by an alien in the same manner in all respects as by a natural-born British subject, and a title to any such property may be derived through, from, or in succession to an alien, in the same manner in all respects as through, from, or in succession to a natural-born British subject. But nothing in this section contained—

§§ (1.) Shall qualify an alien for any office or extend or be construed to confer any Parliamentary, municipal, or other franchise in New South Wales ;

(2.) Shall qualify an alien to be the owner of a British ship ;

(3.) Shall affect any estate or interest in real or personal property in the said Colony, to which any person has or may become entitled, either mediately or immediately in possession or expectancy, in pursuance of any disposition made before the passing of this Act, or in pursuance of any devolution by law on the death of any person dying before the passing of this Act ;

(4.) Or shall entitle an alien to any right or privilege as a British subject in the said Colony, except such rights and privileges in respect of property or otherwise as are hereby expressly given or extended to him.

4. An alien who has resided in New South Wales for a term of not less than 5 years, within such limited time before making the application hereinafter mentioned as may be allowed by the Governor, either by general order or on any special occasion, and who intends when naturalized to reside in the said Colony, may apply to the Governor for a certificate of naturalization. The applicant shall produce, in support of his application, his own statutory declaration, stating his name, age, birthplace, occupation, and residence, also a like declaration of some other person as to the applicant's term of residence within the said Colony, and give such further evidence of the completion by him of the said term of residence, and of his intention to reside in the Colony, as the Governor may require, who, if satisfied with the evidence adduced shall take the applicant's case into consideration, and may, with or without assigning any reason, give or withhold a certificate as he thinks most conducive to the public good. And no appeal shall lie from his

decision, but no such certificate shall have any effect until the applicant has taken the oath of allegiance hereinafter prescribed.

5. If the Governor think fit to grant such certificate of naturalization, he shall direct the applicant to take the oath of allegiance prescribed by this Act, before some Judge of the Supreme Court, or of a district Court, or before some Police Magistrate or Justice of the Peace; and upon the certificate of such Judge, Police Magistrate, or Justice that the applicant has taken before him the said oath, he shall issue to the applicant a certificate of naturalization accordingly.

6. Every person to whom a certificate of naturalization under this Act, or the Act 11 Victoria, No. 39, hereby repealed, has been granted, shall, in this Colony, be entitled to all political and other rights, powers, and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in this Colony, anything in the Constitution Act, 17 Victoria, No. 41, Section 2, the "Electoral Act of 1858," 22 Victoria, No. 20, Sections 8 and 9, or the "Jury Act of 1847," 11 Victoria, No. 20, Section 3, to the contrary notwithstanding.

7. Every married woman shall, in this Colony, be deemed to be a subject of the State of which her husband is, for the time being, a subject. And every alien woman married to a natural-born British subject or person, who shall have obtained a certificate of naturalization under this or the last-mentioned Act, shall be deemed to be herself naturalized, and to have had in this Colony, from the time of her marriage, all the rights and privileges of a natural-born British subject. Every child, under the age of 16 years, whose father or mother shall at the time of the birth of such child have been an alien, but shall have afterwards obtained a certificate of naturalization, or whose mother being an alien shall have married a natural-born British, subject shall, if such child shall have been resident in this Colony at any time while under that age, be deemed naturalized and to have all the rights and privileges of a natural-born British subject.

8. When any person resident in this Colony has previously obtained any certificate of naturalization in the United Kingdom, or in any British Colony, and desires to be naturalized in this Colony, if he submit such certificate to the Governor, and if he further satisfy the Governor that he is the person named in such certificate, and that the same has been obtained without any fraud or intentional false statement, and that the signature and the seal (if any) thereto, are to the best of his belief and knowledge genuine, the Governor may, at his discretion, grant a certificate of naturalization, without requiring from the applicant any further residence in this Colony or other condition.

10. The oath in this Act, referred to as the Oath of Allegiance, shall be in the form following, that is to say:—

11. A certificate of naturalization may be proved in any proceeding in any Court, by the production of the original certificate, or of any copy thereof, certified to be a true copy under the hand of the Colonial Secretary.

13. Nothing in this Act contained shall affect the prerogative right of the Crown as exercised by the Governor, of granting letters of denization to be in force in this Colony.

14. Nothing in this Act shall deprive any person of any estate or interest in any property to which such person is entitled at the time of the passing of this Act, or shall affect any such estate or interest to such person's prejudice.

ORDINANCE of the Governor of the Straits Settlements, for prohibiting the Sale of Arms and Ammunition.

[November 11, 1875.]

WM. F. DRUMMOND JERVOIS, *Governor and Commander-in-Chief.*

WHEREAS it is expedient to provide powers for the prevention of the sale in this Colony of arms and ammunition except under certain restrictions :

It is hereby enacted by the Governor of the Straits Settlements, with the advice and consent of the Legislative Council thereof, as follows:

1. It shall be lawful for the Governor in Council by Proclamation to prohibit, for such period as shall be mentioned in such

Proclamation, the purchase or sale of arms and ammunition. Provided, nevertheless, that it shall be lawful for such officer as may be appointed by the Governor for that purpose in each of the Settlements to grant licences for the purchase and sale of any arms and ammunition, but such licence shall not authorize any person to purchase or sell any other article or thing than is specified in such licence.

2. Every Proclamation under this Ordinance shall be published in the Government Gazette of the Colony, and from and after such publication any person acting in contravention of the terms of the Proclamation, or of any licence issued under this Ordinance, shall, on conviction before a magistrate, be punished with imprisonment for a term which may extend to two years, or with fine which may extend to 5,000 dollars, or with both, and all articles as to which any offence may have been committed within the meaning of this Ordinance shall be seized and forfeited.

3. The word "arms" shall mean and include fire-arms, bayonets, swords, daggers, krisses, spears, and all other similar weapons of offence; and the word "ammunition" shall include percussion caps, as well as gunpowder, and all other materials used for the purpose of discharging fire-arms.

4. This Ordinance shall continue in force for one year from the date of its publication in the Gazette.

5. This Ordinance may be cited as "The Sale of Arms Ordinance, 1875."

Passed this 11th day of November, 1875.

A. KNIGHT, *Acting Clerk of Councils.*

ACT of the British Parliament, to provide for the establishment of a Close Time in the Seal Fishery, in the Seas adjacent to the Eastern Coasts of Greenland.

[38 Vict., cap. 18].

—

[June 14, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. When it appears to Her Majesty in Council that the foreign States whose ships or subjects are engaged in the seal-fishery in the area mentioned in the Schedule to this Act, or any part of such area, have made or will make with respect to their own ships and subjects the like provisions to those contained in this Act,

it shall be lawful for Her Majesty, by Order in Council, to direct that this Act shall, after the date mentioned in the Order, apply to the seal fishery within the said area, or such part thereof as may be specified in the Order.

Her Majesty may, by the same or any subsequent Order, limit the operation of the Order, and render the operation thereof subject to such conditions, exceptions, and qualifications as may be deemed expedient.

So long as an Order under this section remains in force this Act shall, subject to any such limitation, condition, exemption, or qualification as aforesaid, apply to the seal fishery within the said area, or such part as may be specified in the Order.

Her Majesty may from time to time, by Order in Council, rescind, alter, or add to any Order made in pursuance of this section, and make a new Order in lieu thereof.

Every Order in Council made in pursuance of this section shall be laid before both Houses of Parliament within 6 weeks after it is made, or if Parliament be not then sitting, within 6 weeks after the then next meeting of Parliament, and shall also be published in the "London Gazette."

2. When an Order in Council has been made for applying this Act, then, so long as such Order remains in force, the master or person in charge of, or any person belonging to, any British ship, or any British subject, shall not kill or capture, or attempt to kill or capture, any seal within the area mentioned in the Schedule to this Act, or the part of the area specified in the Order, before such day in any year as may be fixed by the Order; and the master or person in charge of a British ship shall not permit such ship to be employed in such killing or capturing, or permit any person belonging to such ship to act in breach of this section.

Any person who is guilty of any breach (by any act or default) of this section shall be liable to a penalty not exceeding 500*l.* for each offence.

3. Every offence under this Act may be prosecuted and every penalty under this Act may be recovered—

(1.) In England, before two justices of the peace in a summary manner, or by action in any of Her Majesty's Superior Courts at Westminster, together with full costs of suit; and

(2.) In Scotland, by action as for a debt in the ordinary Sheriff Court or in the Court of Session; and

(3.) In Ireland, before two justices of the peace in a summary manner, or by personal action in any of Her Majesty's superior Courts at Dublin.

Provided that the penalty imposed in a summary manner by two justices shall not exceed 100*l.*, exclusive of costs.

One half of every penalty recovered under this Act shall be paid to the person who prosecuted the offence or sued for such penalty.

For all purposes of and incidental to the trial and punishment of any person accused of an offence under this Act, and the proceedings and matters preliminary and incidental to and consequential on his trial and punishment, and for all purposes of and incidental to the jurisdiction of any court or of any constable or officer with reference to such offence, the offence shall be deemed to have been committed either in the place in which it was actually committed, or in any place in which the offender may for the time being be found.

4. Where an offence under this Act is committed, then—

(a.) If the same is committed by the fault or with the connivance of the master of any ship, that master, and—

(b.) If the same is committed by the fault or connivance of the owner of any ship, that owner shall be liable to the like penalty to which the person committing such offence is liable under this Act.

5. Where the owner or master of a ship is adjudged to pay a penalty for an offence under this Act, the Court may, in addition to any other power they may have for the purpose of compelling payment of such penalty, direct the same to be levied by distress or arrestment and sale of the said ship and her tackle.

6. In this Act the expression “seal” means the harp or saddleback seal, the bladder-nosed or hooded seal, the ground or bearded seal, and the floe seal or floe rat, and includes any animal of the seal kind which may be specified in that behalf by an Order in Council under this Act.

7. This Act may be cited as “The Seal Fishery Act, 1875.”

SCHEDULE.

Area to which the Act Applies.

The area included between the parallels of 67° and 75° of North latitude, and between the meridians of 5° East and 17° West longitude, reckoned from the meridian of Greenwich.

ACT of the British Parliament, to establish a Register of Trade Marks.

[38 & 39 Vict., cap. 91.]

[August 13, 1875.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. A register of trade marks as defined by this Act, and of the proprietors thereof, shall be established under the superintendence of the Commissioners of Patents, and from and after the 1st day of July, 1876, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by this Act until and unless such trade mark is registered in pursuance of this Act.

2. A trade mark must be registered as belonging to particular goods, or classes of goods; and when registered shall be assigned and transmitted only in connection with the goodwill of the business concerned in such particular goods or classes of goods, and shall be determinable with such goodwill: but, subject as aforesaid, registration of a trade mark shall be deemed to be equivalent to public use of such mark.

3. The registration of a person as first proprietor of a trade mark shall be *primâ facie* evidence of his right to the exclusive use of such trade mark, and shall, after the expiration of 5 years from the date of such registration, be conclusive evidence of his right to the exclusive use of such trade mark, subject to the provisions of this Act as to its connection with the goodwill of a business.

4. Every proprietor registered in respect to a trade mark, subsequently to the first registered proprietor, shall, as respects his title to that trade mark, stand in the same position as if his title were a continuation of the title of the first registered proprietor.

5. If the name of any person who is not for the time being entitled to the exclusive use of a trade mark in accordance with this Act, or otherwise in accordance with law, is entered on the register of trade marks as a proprietor of such trade mark, or if the registrar refuses to enter on the register as proprietor of a trade mark the name of any person who is for the time being entitled to the exclusive use of such trade mark in accordance with this Act, or otherwise in accordance with law, or if any mark is registered as a trade mark which is not authorized to be so registered under this Act, any person aggrieved may apply in the prescribed manner for an order of the Court that the register may be rectified; and the Court may either refuse such application, or it may, if satisfied of the justice of the case, make an order for the rectification of the register, and may award damages to the party aggrieved.

Where each of several persons claims to be registered as proprietor of the same trade mark, the registrar may refuse to comply with the claims of any of such persons until their rights have been determined by the Court, and the registrar may himself submit or require the claimants to submit in the prescribed manner their rights to the Court.

The Court may, in any proceeding under this section, decide

any question as to whether a mark is or is not such a trade mark as is authorized to be registered under this Act ; also any question relating to the right of any person who is party to such proceeding to have his name entered on the register of trade marks, or to have the name of some other person removed from such register ; also any other question that it may be necessary or expedient to decide for the rectification of the register.

The Court may direct an issue to be tried for the decision of any question of fact which may require to be decided for the purposes of this section.

Whenever any order has been made rectifying the register, the Court shall, by its order, direct that due notice of such rectification be given to the registrar.

6. The registrar shall not, without the special leave of the Court, to be given in the prescribed manner, register in respect of the same goods, or classes of goods, a trade mark identical with one which is already registered with respect to such goods or classes of goods ; and the registrar shall not register with respect to the same goods, or classes of goods, a trade mark so nearly resembling a trade mark already on the register with respect to such goods, or classes of goods, as to be calculated to deceive.

It shall not be lawful to register as part of, or in combination with, a trade mark any words the exclusive use of which would not, by reason of their being calculated to deceive or otherwise, be deemed entitled to protection in a Court of Equity ; or any scandalous designs.

7. Subject as aforesaid, a register office shall be established from and after such time (not being later than the 1st day of January, 1876), in such manner and with such officers, and at such salaries, to be paid out of moneys provided by Parliament, as the Lord Chancellor may, with the consent of the Treasury, direct ; and the Lord Chancellor may, from time to time, with the assent of the Treasury as to fees, make, and, when made, alter, annul, or vary, such general rules as to the registry of trade marks, and as to notices to be given by advertisement before the registration of trade marks, and as to the classification of goods for the purposes of this Act, and as to the registration of first and subsequent proprietors of trade marks, and as to the fees to be charged for registration, and also for the continuance of a trade mark on the register or otherwise, and as to the removal from the register of any trade mark, as to notices, and as to the persons entitled to inspect the register, and as to any proceedings to be taken to obtain the judgment or leave of the Court in any matter in which the judgment or leave of the Court is required to be obtained under this Act, and generally for the purpose of carrying into effect this Act, as he may deem expedient.

Any rules made in pursuance of this section shall be laid before both Houses of Parliament if Parliament be then sitting, or if not then sitting, then within 10 days from the then next assembling of Parliament, and shall be of the same validity as if they had been enacted by Parliament; provided that if either House of Parliament resolve, within one month after such rules have been laid before such House, that any of such rules ought not to continue in force, any rule in respect of which such resolution has been passed shall, after the date of such resolution, cease to be of any force, without prejudice, nevertheless, to the making of any other rule in its place, or to anything done in pursuance of any such rules before the date of such resolution.

8. The certificate of the registrar as to any entry, matter, or thing which he is authorized by this Act, or any general rules made thereunder, to make or do, shall be evidence of such entry having been made, and of the contents thereof, and of such matters and things having been done or left undone.

9. With respect to the master, wardens, searchers, assistants, and commonalty of the Company of Cutlers in Hallamshire, in the county of York (in this Act called "the Cutlers Company"), and the marks or devices (in this Act called "Sheffield corporate marks") assigned or to be assigned by the master, wardens, searchers, and assistants of that company, be it enacted as follows:—

(1.) Within the prescribed time and in the prescribed manner the Cutlers Company shall, at their own expense, deliver to the registrar under this Act copies of all Sheffield corporate marks in force at the time of such delivery:

(2.) When any person, after the passing of this Act, applies to the said master, wardens, searchers, and assistants to assign to him any mark or device, notice of such application, with a copy of such mark or device, shall, within the prescribed time and in the prescribed manner, be delivered to the registrar under this Act; and such mark or device shall not be assigned until after the expiration of the prescribed period from the giving of such notice. In like manner, when any person applies for the registration, under this Act, of a trade mark as belonging to any goods or class of goods specified in Section 2 of "The Cutlers Company's Act, 1860," notice of such application, with a copy of such trade mark, shall, within the prescribed time and in the prescribed manner, be delivered to the Cutlers Company; and such trade mark shall not be registered until after the expiration of the prescribed period from the giving of the last-mentioned notice:

(3.) Upon the assigning of any such mark or device, or the registration of any such trade mark as aforesaid, notice of the assignment or registration shall, within the prescribed time and in the

prescribed manner, be given to the registrar under this Act, or to the Cutlers Company, as the case may be :

(4.) The registrar under this Act, without the special leave of the Court, to be given only in cases where the applicant proves his right, shall not, in respect of any goods or classes of goods with respect to which a Sheffield corporate mark shall have been assigned and actually used, and of which mark a copy or description or notice of the assigning whereof shall have been delivered or given to the registrar as aforesaid, register a trade mark identical with such Sheffield corporate mark, or so nearly resembling the same as to be calculated to deceive :

(5.) The master, wardens, searchers, and assistants of the Cutlers Company shall not assign to any person a mark or device identical with any trade mark registered under this Act, and notice of the registration whereof shall have been given to the Cutlers Company as aforesaid, or so nearly resembling the same as to be calculated to deceive :

(6.) Any person to whom a Sheffield corporate mark legally belongs shall be entitled to have the same mark registered also as a trade mark under this Act, in respect of any particular goods or classes of goods, in the same manner and upon the same terms and conditions in and upon which he might have registered the same if it were not a Sheffield corporate mark :

(7.) Nothing in this Act shall prejudice or affect the rights and privileges of the Cutlers Company, nor, save as is otherwise in this Act expressly provided, shall any of the provisions of this Act apply to or in the case of any Sheffield corporate mark.

10. For the purposes of this Act:—

A trade mark consists of one or more of the following essential particulars ; that is to say,

A name of an individual or firm printed, impressed, or woven in some particular and distinctive manner ; or

A written signature or copy of a written signature of an individual or firm ; or

A distinctive device, mark, heading, label, or ticket ;

And there may be added to any one or more of the said particulars any letters, words, or figures, or combination of letters, words, or figures : also

Any special and distinctive word or words or combination of figures or letters used as a trade mark before the passing of this Act may be registered as such under this Act.

“ Prescribed ” means prescribed by general rules in pursuance of this Act ; and

“ Court ” means any of Her Majesty’s Superior Courts of Law or Equity at Westminster, or any Court to which the jurisdiction

of such Courts may be transferred, or any one or more of such Courts which may be declared to be the Court for the purposes of this Act by such general rules as aforesaid; but the provisions of this Act conferring a special jurisdiction on the Court as above defined, shall not, excepting so far as such jurisdiction extends, affect the jurisdiction of any Court in Scotland or Ireland in causes, actions, suits, or proceedings relating to trade marks; and if the register requires to be rectified in consequence of any proceedings in any such Court in Scotland or Ireland, due notice of such requirements shall be given to the registrar, and he shall rectify the register accordingly.

11. This Act may be cited for all purposes as "The Trade Marks Registration Act, 1875."

*AGREEMENT between Great Britain and Egypt, relative to the Acquisition by Great Britain of the Shares held by the Khedive in the Capital of the Universal Company of the Maritime Canal of Suez.—November 25, 1875.**

AGREEMENT entered into this 25th day of November, in the year of Our Lord 1875, between Major-General Edward Stanton, C.B., Her Britannic Majesty's Agent and Consul-General in Egypt, acting on behalf of Her Britannic Majesty's Government, on the one part, and his Excellency Ismail Sadek Pasha, Egyptian Minister of Finance, acting on behalf of His Highness the Khedive of Egypt, on the other part.

WHEREAS His Highness the Khedive has proposed to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, and whereas Her Britannic Majesty's Government has proposed to purchase from His Highness the Khedive 177,642 shares in the said Suez Canal Company for the sum of 4,000,000*l.* sterling:

Now it is hereby witnessed that His Highness the Khedive agrees to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, being to the number of 176,602 shares, not, as supposed by Her Britannic Majesty's Government, 177,642 shares; and Her Britannic Majesty's Government agrees to purchase the same for the sum of 4,000,000*l.* sterling, less the proportionate value of the 1,040 shares, the difference between 177,642 and 176,602, and Her Britannic Majesty's Government agrees to recommend to Parliament to sanction the contract.

* Embodied in Act 39 & 40 Vict., c. 67, August 15, 1876.

Her Britannic Majesty's Government undertakes that on the 1st of December next, on the deposit of the shares in the hands of Her Majesty's Agent and Consul-General in Egypt, the sum of 1,000,000*l.* sterling shall be held at the disposal of the Egyptian Government in the hands of Messrs. N. de Rothschild and Sons, of London; and that the remaining 3,000,000*l.* sterling, less the amount to be deducted for the value of the 1,040 shares above-mentioned, shall be provided in the months of December and January next, as may be arranged between the Egyptian Government and Messrs. Rothschild and Sons.

The Egyptian Government undertakes to pay to Her Britannic Majesty's Government interest at the rate of 5 per cent. per annum on the whole amount of the purchase money of the said 176,602 shares, in equal half-yearly payments, the said payments to be made in London on the 1st of June and the 1st of December in each year, until such times as the coupons of the said shares shall be liberated from the engagement now existing with the Suez Canal Company; and the Egyptian Government further engages that the amount of the said interest shall be charged on the revenues of Egypt.

In witness whereof we have this day affixed our signatures and official seals.

(L.S.) EDWD. STANTON.

(L.S.) ISMAIL SADEK.

*ACT of the Government of Canada, respecting the Coasting Trade.**

[33 Vict., cap. 14.]

— [Assented to May 12, 1870.]

WHEREAS by an Act of Parliament of the United Kingdom, passed in the 32nd year of Her Majesty's reign,† and intituled "An Act for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions," it is, among other things, in effect enacted, that after the commencement of the said Act, the Legislature of a British Possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British Possession, subject in every case to certain conditions mentioned in the said Act, and embodied and enacted in this Act, and that Section 163 of the Act of the Parliament of the United Kingdom, known as "The Customs Consolidation Act, 1853,"‡ which is in the following words: "No goods or passengers shall be carried from one port of any British Possession in Asia, Africa, or America to another port of the same possession, except in British ships,"

* See also Act 38 Vict. c. 27. Page 673.

† 32 Vict., c. 11. May 13, 1869. ‡ 16 & 17 Vict., c. 107. August 20, 1853.

shall be repealed as from the date, in the case of each British Possession, at which either an Act or an Ordinance with respect to the coasting trade, made within two years after the commencement of the Act first above cited, in such British Possession, comes into operation, or if there is no such Act or Ordinance, at which the said two years expire; and that the said first-cited Act shall be proclaimed in every British Possession, by the Governor thereof, as soon as may be after he receives notice of the said Act, and shall come into operation in that British Possession on the day of such proclamation, which day is in the said Act referred to as the commencement thereof:

And whereas the said Act was so proclaimed by the Governor of Canada, on the 23rd day of October now last past: And whereas it is expedient to exercise in the manner hereinafter provided the power vested as aforesaid in the Parliament of Canada; therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. No goods or passengers shall be carried by water from one port of Canada to another, except in British ships; and if any goods or passengers are so carried, as aforesaid, contrary to this Act, the master of the ship or vessel so carrying the same shall forfeit the sum of 400 dollars, and any goods so carried shall be forfeited as smuggled, and such ship or vessel may be detained by the Collector of Customs at any port or place to which such goods or passengers are brought, until such penalty is paid, or security for the payment thereof given to his satisfaction, and until such goods (if any) are delivered up to him to be dealt with as goods forfeited under the provisions of the Act passed in the 31st year of Her Majesty's reign, and intituled "An Act respecting the Customs;" and the said penalty and forfeiture may also be recovered and enforced in the manner provided by the Act last-mentioned, with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and all words and expressions in this Act shall have the same meaning as the like words and expressions in the said Act.

2. The Governor in Council may from time to time declare that the foregoing provisions of this Act shall not, while such Order in Council is in force, apply to the ships or vessels of any foreign country in which British ships are admitted to the coasting trade of such country, and to carry goods and passengers from one port or place in such country to another, and may from time to time revoke or alter such Order in Council.

3. This Act shall not come into operation until the day to be appointed for that purpose in the proclamation hereinbefore men-

tioned, signifying Her Majesty's pleasure that it shall come into operation in Canada.

In this Act the term "British ships" means and includes all ships belonging wholly to persons and bodies corporate, qualified or entitled to be owners of British ships, under the provisions of "The Merchant Shipping Act, 1854,"* or other Act of the Parliament of the United Kingdom in that behalf, in force for the time being.

And where, by Treaty made before the passing of the Act of Parliament of the United Kingdom first cited in the preamble of this Act, Her Majesty has agreed to grant to any ships of any foreign State any rights or privileges in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships, for so long as Her Majesty has already agreed, or may hereafter agree, to grant the same, anything in this Act to the contrary notwithstanding.

ACT of the Government of Canada, to amend "An Act respecting the Coasting Trade of Canada."†

[38 Vict., cap. 27.]

— [Assented to April 8, 1875.]

IN amendment of an Act passed in the 33rd year of Her Majesty's reign [cap. 14],† intituled "An Act respecting the Coasting Trade of Canada," Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follow :

1. The master of any steam-vessel, not being a British ship, engaged, or having been engaged, after the passing of this Act, in towing any ship, vessel, or raft, from one port or place in Canada to another, except in case of distress, shall forfeit the sum of 400 dollars, and such steam-vessel may be detained by the Collector of Customs at any port or place to or in which such ship, or vessel, or raft is towed, until such penalty is paid, and the said penalty may be recovered and enforced in the manner provided by the Act passed in the 31st year of Her Majesty's reign [cap. 6], and intituled "An Act respecting the Customs," with respect to penalties and forfeitures incurred under it, and as if imposed by it; and this Act shall accordingly be construed with reference to the said Act, and as forming one Act with it, and words and expressions in this Act shall have the same meaning as the like words and expressions in the said Act.

2. The Governor in Council may from time to time declare that the foregoing provisions of this Act shall not apply to the ships or

* Vol. XLV. Page 1347.

† Page 671.

vessels of any foreign country in which British ships are admitted to the coasting trade of such country.

And where, by Treaty made before the passing of the Act of the Parliament of the United Kingdom, in the 32nd year of Her Majesty's reign [cap. 11], intituled "An Act for amending the Law in respect to the Coasting Trade and Merchant Shipping in British Possessions,"* Her Majesty has agreed to grant to any ships of any foreign State, any rights or privileges in respect of the coasting trade of Her Majesty's possessions, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed, or may hereafter agree, to grant the same,—anything in this Act to the contrary notwithstanding.

3. This Act shall not come into operation until the day to be appointed for that purpose, in a proclamation signifying Her Majesty's pleasure that it shall come into operation in Canada.

4. In this Act the term "British ship" means and includes all ships belonging wholly to persons and bodies corporate, qualified or entitled to be owners of British ships, under the provisions of "The Merchant Shipping Act, 1854" [cap. 120†], or other Act of the Parliament of the United Kingdom in that behalf in force for the time being.

PROCÈS-VERBAL between the Representatives of Belgium, Denmark, France, Germany, Italy, Peru, Russia, Spain, Sweden and Norway, Switzerland, and Turkey, on the Exchange of Ratifications of the Convention of May 20, 1875,‡ for an International Office of Weights and Measures. —Versailles, December 20, 1875.

PROCÈS-VERBAL de la séance tenue au Clâteau de Versailles le 20 Décembre, 1875, pour l'échange des ratifications de la Convention du Mètre.

Étaient présents :

Pour l'Allemagne : M. le Comte de Wesdèhlen, Chargé d'Affaires ;

Pour la Belgique : M. le Baron Beyens, Envoyé Extraordinaire et Ministre Plénipotentiaire ;

Pour le Danemark : M. le Comte de Moltke-Witfeldt, Envoyé Extraordinaire et Ministre Plénipotentiaire ;

Pour l'Espagne : Son Excellence le Marquis de Molins, Ambassadeur Extraordinaire et Plénipotentiaire ;

Pour les États-Unis d'Amérique : M. Hitt, Chargé d'Affaires ;

* 32 Vict., c. 11. May 13, 1869.

† Vol. XLV. Page 1571.

‡ Pa 562.

Pour la France : Son Excellence M. le Duc Decazes, Ministre des Affaires Étrangères ;
Pour l'Italie : M. le Chevalier Nigra, Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour le Pérou : M. Pedro Galvez, Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour la Russie : M. Okouneff, Conseiller d'État actuel, Conseiller d'Ambassade ;
Pour la Suède et la Norvège : M. le Baron d'Adelswärd, Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Pour la Suisse : M. Kern, Envoyé Extraordinaire et Ministre Plénipotentiaire ;
Et pour la Turquie : Nasri-Bey, Premier Secrétaire d'Ambassade.

Son Excellence M. le Duc Decazes fait les communications suivantes :—

Le Projet de Convention voté par les Chambres des Députés d'Autriche et de Hongrie n'a pas encore pu être soumis aux délibérations des Chambres des Seigneurs de ces deux pays. Quoique ce retard mette le Gouvernement Austro-Hongrois dans l'impossibilité de co-opérer à l'échange immédiat des ratifications, la question de principe n'en est nullement atteinte, et Son Excellence M. le Comte Apponyi a été autorisé à déclarer de la manière la plus formelle que son Gouvernement considère tacitement la Convention comme devant entrer en vigueur à l'époque fixée et n'a aucune objection à ce que les mesures nécessaires soient prises dès à présent par le Comité International.

Le Gouvernement Portugais n'a pas encore obtenu la sanction législative du Parlement, qui se réunira le 2 Janvier prochain, et le Gouvernement des États-Unis d'Amérique est également obligé d'attendre le vote du Sénat, dont la session vient de s'ouvrir. Ces deux Gouvernements ont donc besoin d'un délai d'environ deux mois pour produire leurs ratifications.

La République Argentine et le Vénézuéla sollicitent, de leur côté, la faveur d'un délai dont ils ne déterminent pas la durée.

Un seul des États signataires de la Convention, le Brésil, a résolu, en dernier lieu, de ne pas s'associer à l'œuvre commune.

Conformément à la clause insérée dans le Protocole de la Conférence du 15 Avril, 1875, les délais demandés par divers États sont accordés.

Il est bien entendu, d'ailleurs, que ces délais ne portent aucune atteinte à l'Article XIV de la Convention, qui fixe l'époque de sa mise à exécution, et que, par conséquent, les charges pécuniaires proportionnelles qui en découlent courront, à partir du 1^{er} Janvier, 1876, pour ceux d'entre les États Contractants qui échangeront plus

tard leurs ratifications, comme pour ceux qui se trouvent en mesure de les échanger aujourd'hui.

Il est procédé à l'échange des actes de ratification entre l'Allemagne, la Belgique, le Danemark, l'Espagne, l'Italie, le Pérou, la Russie, la Suède et Norvège, la Suisse, la Turquie, et la France, suivant le mode convenu et déterminé dans le Protocole de la Conférence du 20 Mai, 1875.

L'échange ultérieur des ratifications ajournées sera, dès qu'il aura eu lieu, porté à la connaissance des États Contractants par lettre circulaire de M. le Ministre des Affaires Étrangères de France.

WESDEHLEN.

BEYENS.

L. MOLTKE-WITFELDT.

MOLINS.

DECAZES.

NIGRA.

P. GALVEZ.

OKOUNEFF.

G. ADELWARD.

KERN.

NASRI.

ERNEST CRAMPON, *Secrétaire de la Conférence.*

*ACT of the British Parliament, to facilitate the Erection and Maintenance of Colonial Lighthouses, and otherwise to amend "The Merchant Shipping Act, 1854."** [*Jurisdiction in case of Offences on board Ship.*]

[18 & 19 Vict., cap. 91.]

[August 14, 1855.]

WHEREAS it is expedient to make provision for facilitating the erection and maintenance of lighthouses in the British possessions abroad, and otherwise to amend "The Merchant Shipping Act, 1854:" Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1855," and shall be taken to be part of "The Merchant Shipping Act, 1854," and shall be construed accordingly.

2. In any case in which any lighthouse, buoy, or beacon has been or is hereafter erected or placed on or near the coasts of any British possession, by or with the consent of the legislative authority of such possession, Her Majesty may, by Order in Council, fix such dues in respect thereof, to be paid by the owner or master of every ship which passes the same or derives benefit therefrom, as Her Majesty may deem reasonable, and may in like manner from time to time increase, diminish, or repeal such dues, and from the time specified in such Order for the commencement of the dues

thereby fixed, increased, or diminished the same shall be leviable throughout Her Majesty's dominions in manner hereinafter mentioned.

3. No such dues as aforesaid shall be levied in any Colony unless and until the legislative authority in such Colony has, either by address to the Crown, or by an Act or Ordinance duly passed, signified its opinion that the same ought to be levied in such Colony.

4. The said dues shall in the United Kingdom be collected by the same persons by whom, and by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under "The Merchant Shipping Act, 1854," are collected, and shall in each British possession abroad be collected by such persons as the Governor of such possession abroad may appoint for the purpose, and shall be collected by the same means, in the same manner, and subject to the same conditions, so far as circumstances permit, by, in, and subject to which the light dues leviable under "The Merchant Shipping Act, 1854," are paid and collected, or by such other means, in such other manner, and subject to such other conditions as the legislative authority in such possession may direct.

5. All dues levied under this Act shall be paid over to Her Majesty's Paymaster-General, at such times and in such manner as the Board of Trade may direct, and shall be applied, paid, and dealt with by him, for the purposes hereinafter mentioned, in such manner as such Board may direct.

6. The dues levied under the authority of this Act in respect of any such lighthouse, buoy, or beacon as aforesaid shall, after deducting any expenses incurred in collecting the same, be applied for the purpose of paying the expenses incurred in erecting and maintaining such lighthouse, buoy, or beacon, and for no other purpose whatever.

7. For the purpose of constructing or repairing any such lighthouse, buoy, or beacon as aforesaid, the Board of Trade may raise, upon the security of the dues to be levied in respect thereof, such sums of money as they may deem fit; and the Commissioners of Her Majesty's Treasury, out of any moneys which may be provided by Parliament, the Public Works Loan Commissioners, or any other person or body of persons, may advance the same accordingly, such advances to be made in the same manner, with the same powers, and subject to the same provisions, so far as circumstances permit, in, with, and subject to which, under "The Merchant Shipping Act, 1854," advances may be made upon the security of the mercantile marine fund for the construction and repair of lighthouses in the United Kingdom.

8. Accounts shall be kept of all sums expended in the construction, repair, or maintenance of every lighthouse, buoy, or beacon in the British possessions abroad, for which dues are levied under the authority of this Act, and of the dues received in respect thereof, in such manner as the Board of Trade may direct, and shall be laid before Parliament annually; and the said accounts shall be audited in such a manner as Her Majesty may, by Order in Council, direct.

9. Any person who, in any declaration made in the presence of or produced to any registrar of shipping, in pursuance of the second part of "The Merchant Shipping Act, 1854," or in any documents or other evidence produced to such registrar, wilfully makes, or assists in making, or procures to be made, any false statement concerning the title to or the ownership of or the interest existing in any ship, or any share or shares in any ship, or who utters, produces, or makes use of any declaration or document containing any such false statement, knowing the same to be false, shall be guilty of a misdemeanour.

10. Shares in ships registered under the said "Merchant Shipping Act, 1854," shall be deemed to be included in the word "stock," as defined by "The Trustee Act, 1850,"* and the provisions of such last-mentioned Act shall be applicable to such shares accordingly.

11. In any case in which any bill of sale, mortgage, or other instrument for the disposal or transfer of any ship or any share or shares therein or of any interest therein is made in any form or contains any particulars other than the form and particulars prescribed and approved for the purpose by or in pursuance of "The Merchant Shipping Act, 1854," no registrar shall be required to record the same without the express direction of the Commissioners of Her Majesty's Customs.

12. Upon the transfer of a registry of a ship from one port to another, the certificate of registry required by the 19th Section of "The Merchant Shipping Act, 1854," to be delivered up for that purpose, may be delivered up to the registrar of either of such ports.

13.† [The Commissioners of Customs may, with the consent of the Board of Trade, exempt any pleasure yacht from the provision contained in the 34th Section of "The Merchant Shipping Act, 1854," which requires the name of every ship and the port to which she belongs to be painted on her stern.]

14. The owner of any ship which is measured under Rule II contained in the 22nd Section of "The Merchant Shipping Act, 1854," may, at any subsequent period, apply to the Commissioners of

* 13 & 14 Vict., c. 60.

† Repealed by Act 31 & 35 Vict., c. 110. Page 716.

Customs to have the said ship re-measured under Rule I contained in the 21st Section of the same Act, and the said Commissioners may thereupon, and upon payment of such fee not exceeding 7*s.* 6*d.* for each transverse section as they may authorize, direct the said ship to be re-measured accordingly, and the number denoting the register tonnage shall be altered accordingly.

15. The copy or transcript of the register of any British ship which is kept by the Chief Registrar of Shipping at the Custom-house in London, or by the Registrar-General of Seamen, under the direction of Her Majesty's Commissioners of Customs or of the Board of Trade, shall have the same effect to all intents and purposes as the original register, of which the same is a copy or transcript.

16. The Board of Trade may issue instructions concerning the relief to be administered to distressed seamen and apprentices, in pursuance of the 211th and 212th Sections of "The Merchant Shipping Act, 1854," and may by such instructions determine in what cases and under what circumstances and conditions such relief is to be administered; and all powers of recovering expenses incurred with respect to distressed seamen and apprentices, which by the 213th Section of the said Act are given to the Board of Trade, shall extend to all expenses incurred by any foreign Government for the purposes aforesaid, and repaid to such Government by Her Majesty's Government, and shall likewise extend to any expenses incurred by the conveying home such seamen or apprentices in foreign as well as British ships; and all provisions concerning the relief of distressed seamen and apprentices, being subjects of Her Majesty, which are contained in the said sections of the said Act, and in this section, shall extend to such seamen and apprentices, not being subjects of Her Majesty, as are reduced to distress in foreign parts by reason of their having been shipwrecked, discharged, or left behind from any British ship; subject nevertheless to such modifications and directions concerning the cases in which relief is to be given to such foreigners, and the country to which they are to be sent, as the Board of Trade may, under the circumstances, think fit to make and issue.

17. The enactment of "The Merchant Shipping Act, 1854," relating to Savings Banks shall apply to all seamen, and to their wives and families, whether such seamen belong to the Royal Navy or to the Merchant Service, or to any other sea service.

18. Any Naval Court summoned, under the provisions of "The Merchant Shipping Act, 1854," to hear any complaint touching the conduct of the master or any of the crew of any ship, shall, in addition to the powers given to it by the said Act, have power to try the said master or any of the said crew for any offences against

“The Merchant Shipping Act, 1854,” in respect of which two Justices would, if the case were tried in the United Kingdom, have power to convict summarily, and by order duly made to inflict the same punishments for such offences which two Justices might in the case aforesaid inflict upon summary conviction; provided, that in cases where an offender is sentenced to imprisonment, the sentence shall be confirmed in writing by the Senior Naval or Consular Officer present at the place where the Court is held, and the place of imprisonment, whether on land or on board ship, shall be approved by him as a proper place for the purpose, and copies of all sentences made by any Naval Court summoned to hear any such complaint as aforesaid shall be sent to the Commander-in-Chief or Senior Naval Officer of the station.

19. Whenever any articles belonging to or forming part of any foreign ship which has been wrecked on or near the coasts of the United Kingdom, or belonging to or forming part of the cargo thereof, are found on or near such coasts, or are brought into any port in the United Kingdom, the Consul-General of the country to which such ship, or, in the case of cargo, to which the owners of such cargo, may have belonged, or any Consular Officer of such country authorized in that behalf by any Treaty or Agreement with such country, shall, in the absence of the owner of such ship or articles, and of the master or other agent of the owner, be deemed to be the agent of the owner, so far as relates to the custody and disposal of such articles.

20. In cases where services are rendered by officers or men of the Coast Guard Service in watching or protecting shipwrecked property, then, unless it can be shown that such services have been declined by the owner of such property or his agent at the time they were tendered, or that salvage has been claimed and awarded for such services, the owner of the shipwrecked property shall pay, in respect of the said services, remuneration according to a scale to be fixed by the Board of Trade, so, however, that such scale shall not exceed any scale by which payment to officers and men of the Coast Guard for extra duties in the ordinary service of the Commissioners of Customs is for the time being regulated; and such remuneration shall be recoverable by the same means and shall be paid to the same persons and accounted for and applied in the same manner as fees received by receivers appointed under “The Merchant Shipping Act, 1854.”

21. If any person, being a British subject, charged with having committed any crime or offence on board any British ship on the high seas or in any foreign port or harbour, or if any person, not being a British subject, charged with having committed any crime or offence on board any British ship on the high seas, is found

within the jurisdiction of any Court of Justice in Her Majesty's dominions which would have had cognizance of such crime or offence if committed within the limits of its ordinary jurisdiction, such Court shall have jurisdiction to hear and try the case as if such crime or offence had been committed within such limits: Provided, that nothing contained in this section shall be construed to alter or interfere with the Act of the 13th year of Her present Majesty, chapter 96.

22. It shall be the duty of the East India Company to take charge of and send home or otherwise provide for all persons, being Lascars or other natives of the territories under the government of the said Company, who are found destitute in the United Kingdom; and if any such person is relieved and maintained by any guardians, overseers, or other persons administering the relief of the poor, such overseers, guardians, or other persons may, by letter sent through the post or otherwise, give notice thereof in writing to the Secretary of the Court of Directors of the East India Company, specifying, so far as is practicable, the following particulars, viz.:—

(1.) The name of the person so relieved or maintained:

(2.) The Presidency or district or part of the territories of the East India Company of which he professes to be a native:

(3.) The name of the ship in which he was brought to the United Kingdom:

(4.) The port or place abroad from which such ship sailed, and the port or place in the United Kingdom at which such ship arrived, when he was so brought to the United Kingdom, and the time of such arrival:

And the said East India Company shall repay to the said overseers, guardians, or other persons, out of the revenues of the said Company, all moneys duly expended by them in relieving or maintaining such destitute person, after the time at which such notice aforesaid is sent or otherwise given.

23. It shall be lawful for any master or owner of a ship or his agent to enter into agreements with Lascars or natives of the territories of the East India Company, binding them to proceed to any port or ports in the United Kingdom, either as seamen or as passengers, and there to enter into a further agreement to serve as seamen in any ship which may happen to be there, and to be bound to any port in the territories of the East India Company; provided, that every such original agreement shall be made in such form, and shall contain such provisions, and shall be executed in such manner, and under such conditions for securing the return of such Lascars or natives to their own country, and for other purposes, as the Governor-General of India in Council, or the Governors of the respective Presidencies in which the original agreement is made,

in Council may direct; and if any Lascar or other person who has bound himself by any such original agreement is, on arriving in the United Kingdom, required to enter into a further agreement to serve as a seaman in any ship bound to any port in the territories of the East India Company, and if it is certified by some officer, appointed for that purpose by the East India Company, that such further agreement is a proper agreement in all respects for such Lascar or other person to enter into, and is in accordance with the original agreement, and that the ship to which such further agreement relates is in all respects a proper ship for such Lascar or other person to serve in, and that there is not, in the opinion of such officer, any objection to the full performance of the said original agreement, such Lascar or other person shall be deemed to be engaged under such further agreement, and to serve as a seaman in the ship to which it relates, and shall thereupon be deemed to be for all purposes one of the crew of the ship; and for every Lascar or other person in respect of whom such certificate is applied for, the person applying for the same shall pay to such officer as afore-said such fee as the East India Company may appoint, not exceeding 10s.

24. Nothing herein contained shall be deemed to repeal or affect any provisions contained in the 25th, 26th, 27th, 28th, 29th, 30th, 31st, or 34th section of the Act of the 4th year of King George the Fourth, chapter 80, or in the 16th section of the Act of the 18th year of Her present Majesty, chapter 120.*

ACT of the British Parliament, to amend "The Merchant Shipping Act, 1854,"† "The Merchant Shipping Act Amendment Act, 1855,"‡ and "The Customs Consolidation Act, 1853."§ [Tonnage Measurement; Pilotage; Lighthouses; Wrecks and Salvage; Collisions at Sea; &c.]

[25 & 26 Vic., cap. 63.]

[July 29, 1862.]

WHEREAS it is expedient further to amend "The Merchant Shipping Act, 1854," "The Merchant Shipping Act Amendment Act, 1855," and "The Customs Consolidation Act, 1853:" Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "The Merchant Shipping Act Amendment Act, 1862," and shall be construed with and as part

* Vol. XLV. Page 1571.

† Vol. XLV. Page 1347.

‡ Page 676.

§ 16 & 17 Vict., c. 107. August 20, 1853.

of "The Merchant Shipping Act, 1854," hereinafter termed the Principal Act.

2.* [The enactments described in Table (A) in the Schedule to this Act shall be repealed as therein mentioned, except as to any liabilities incurred before such repeal.]

Registry and Measurement of Tonnage (Part II of "Merchant Shipping Act, 1854").

3. It is hereby declared that the expression "beneficial interest," whenever used in the second part of the Principal Act, includes interests arising under contract and other equitable interests; and the intention of the said Act is that, without prejudice to the provisions contained in the said Act for preventing notice of trusts from being entered in the register book or received by the registrar, and without prejudice to the powers of disposition and of giving receipts conferred by the said Act on registered owners and mortgagees, and without prejudice to the provisions contained in the said Act relating to the exclusion of unqualified persons from the ownership of British ships, equities may be enforced against owners and mortgagees of ships in respect of their interest therein, in the same manner as equities may be enforced against them in respect of any other personal property.

4. Any body corporate or persons having power to levy tonnage rates on ships may, if they think fit, with the consent of the Board of Trade, levy such tonnage rates upon the registered tonnage of the ships as determined by the rules for the measurement of tonnage for the time being in force under the Principal Act, notwithstanding that the Local Act or Acts under which such rates are levied provide for levying the same upon some different system of tonnage measurement.

Certificates for Engineers (Part III of "Merchant Shipping Act, 1854").

5. On and after the 1st day of June, 1863, every steam-ship which is required by the Principal Act to have a master possessing a certificate from the Board of Trade shall also have an engineer or engineers possessing a certificate or certificates from the Board of Trade as follows; that is to say:

(1.) Engineers' certificates shall be of two grades, viz., "first-class engineers' certificates," and "second-class engineers' certificates; "

(2.) Every foreign-going steam-ship of 100 nominal horse-power or upwards shall have as its first and second engineers two certificated engineers, the first possessing a "first-class engineer's certificate,"

* Repealed by Act 38 & 39 Vict., c. 66.

and the second possessing a "second-class engineer's certificate," or a certificate of the higher grade ;

(3.) Every foreign-going steam-ship of less than 100 nominal horse-power shall have as its only or first engineer an engineer possessing a "second-class engineer's certificate" or a certificate of the higher grade ;

(4.) Every sea-going home trade passenger steam-ship shall have as its only or first engineer an engineer possessing a "second-class engineer's certificate" or a certificate of the higher grade ;

(5.) Every person who, having been engaged to serve in any of the above capacities in any such steam-ship as aforesaid, goes to sea in that capacity without being at the time entitled to and possessed of such certificate as is required by this section, and every person who employs any person in any of the above capacities in such ship without ascertaining that he is at the time entitled to and possessed of such certificate as is required by this section, shall for each such offence incur a penalty not exceeding 50%.

6. The Board of Trade shall from time to time cause examinations to be held of persons who may be desirous of obtaining certificates of competency as engineers: For the purpose of such examinations the Board of Trade shall from time to time appoint and remove examiners, and award the remuneration to be paid to them; lay down rules as to the qualification of applicants, and as to the times and places of examination; and generally do all such Acts as it thinks expedient in order to carry into effect the examination of such engineers as aforesaid.

7. All applicants for examination shall pay such fees, not exceeding the sums specified in the Table marked (B) in the Schedule hereto, as the Board of Trade directs; and such fees shall be paid to such persons as the said Board appoints for that purpose, and shall be carried to the account of the Mercantile Marine Fund.

8. The Board of Trade shall deliver to every applicant who is duly reported to have passed the examination satisfactorily, and to have given satisfactory evidence of his sobriety, experience, and ability, a certificate of competency, as first-class engineer or as second-class engineer, as the case may be.

9. Certificates of service for engineers, differing in form from certificates of competency, shall be granted as follows; that is to say :

(1.) Every person who before the 1st day of April, 1862, has served as first engineer in any foreign-going steam-ship of 100 nominal horse-power or upwards, or who has attained or attains the rank of engineer in the service of Her Majesty or of the East India Company, shall be entitled to a "first-class engineer's certificate" of service ;

(2.) Every person who before the 1st day of April, 1862, has served as second engineer in any foreign-going steam-ship of 100 nominal horse-power or upwards, or as first or only engineer in any other steam-ship, or who has attained or attains the rank of first-class assistant engineer in the service of Her Majesty, shall be entitled to a "second-class engineer's certificate" of service.

Each of such certificates of service shall contain particulars of the name, place, and time of birth, and the length and nature of the previous service of the person to whom the same is delivered; and the Board of Trade shall deliver such certificates of service to the various persons so respectively entitled thereto, upon their proving themselves to have attained such rank or to have served as aforesaid, and upon their giving a full and satisfactory account of the particulars aforesaid.

10. The provisions of the Principal Act, with respect to the certificates of competency or service of masters and mates, contained in the 138th, 139th, 140th, 161st, and 162nd Sections of the said Act, shall apply to certificates of competency or service granted under this Act in the same manner as if certificates of competency and service to be granted to engineers under this Act were specially mentioned and included in the said sections.

11. The power by the 241st Section of the Principal Act given to the Board of Trade or to any Local Marine Board of instituting investigations into the conduct of any master or mate whom it has reason to believe to be from incompetency or misconduct unfit to discharge his duties, shall extend to any certificated engineer whom the Board of Trade or any Local Marine Board has reason to believe to be from incompetency or misconduct unfit to discharge his duties, in the same manner as if in the said section the words "certificated engineer" had been inserted after "master" wherever "master" occurs in such section.

12. The declaration required to be given by the engineer surveyor under Section 309 of the Principal Act shall, in the case of a ship by this Act required to have a certificated engineer, contain, in addition to the statements in the said section mentioned, a statement that the certificate or certificates of the engineer or engineers of such ship is or are such and in such condition as is required by this Act.

Masters and Seamen (Part III of "Merchant Shipping Act, 1854").

13. The following vessels; that is to say:

(1.) Registered sea-going ships exclusively employed in fishing on the coasts of the United Kingdom;

(2.) Sea-going ships belonging to any of the 3 General Light-house Boards;

(3.) Sea-going ships being pleasure yachts;

Shall be subject to the whole of the 3rd part of the Principal Act; except Sections 136, 143, 145, 147, 149, 150, 151, 152, 153, 154, 155, 157, 158, 161, 162, 166, 170, 171, 231, 256, 279, 280, 281, 282, 283, 284, 285, 286, and 287.

14. Whereas doubts have been entertained whether Local Marine Boards have the power of determining a quorum: It is hereby declared, that the power by the 119th Section of the Principal Act given to every Local Marine Board of regulating the mode in which its meetings are to be held and its business conducted includes the power of determining a quorum; nevertheless, after the passing of this Act such quorum shall never consist of less than 3 members.

15. The offices termed shipping offices in the Principal Act shall be termed mercantile marine offices, and the officers termed shipping masters and deputy shipping masters in the Principal Act shall be termed superintendents and deputy superintendents of such offices; but nothing in this section contained shall invalidate or affect any act which may be done at any such office under the title of a shipping office, or any act which may be done by, with, or to any of the said officers under the title of shipping master or deputy shipping master.

16. Any person appointed to any office or service by or under any Local Marine Board shall be deemed to be a clerk or servant within the meaning of the 68th Section of the Act of the 25th year of the reign of Her present Majesty, chapter 96:

If any such person fraudulently applies or disposes of any chattel, money, or valuable security received by him whilst employed in such office or service for or on account of any such Local Marine Board, or for or on account of any other public board or department, to his own use or any use or purpose other than that for which the same was paid, entrusted to, or received by him, or fraudulently withholds, retains, or keeps back the same or any part thereof contrary to any lawful directions or instructions which he is required to obey in relation to such office or service, he shall be deemed guilty of embezzlement within the meaning of the said section:

Any such person shall, on conviction of such offence as aforesaid, be liable to the same pains and penalties as are thereby imposed upon any clerk or servant for embezzlement:

In any indictment against such person for such offence it shall be sufficient to charge any such chattel, money, or valuable security as the property either of the Board by which he was appointed, or of the board or department for or on account of which he may have received the same; and no greater particularity in the description of the property shall be required in such indictment in order to sustain the same, or in proof of the offence alleged, than is required

in respect of an indictment or the subject-matter thereof by the 71st Section of the said last-mentioned Act.

17. Whereas it is expedient to make provision in certain cases for holding examinations of applicants for certificates of competency at places where there are no Local Marine Boards: Be it enacted, that the Board of Trade, if satisfied that serious inconvenience exists at any port in consequence of the distance which applicants for certificates have to travel in order to be examined, may, with the concurrence of any Local Marine Board, send the examiner or examiners of that Local Marine Board to the port where such inconvenience exists; and thereupon the said examiner or examiners shall proceed to such port, and there shall examine the applicants in the presence of such person or persons (if any) as the Board of Trade may appoint for the purpose; and such examinations shall be conducted in the same manner, and shall have the same effect, as other examinations under the said Act.

18. It is hereby declared that the 182nd Section of the Principal Act does not apply to the case of any stipulation made by the seamen belonging to any ship which, according to the terms of the agreement, is to be employed on salvage service, with respect to the remuneration to be paid to them for salvage services to be rendered by such ship to any other ship or ships.

19. The payment of seamen's wages required by the 209th Section of the Principal Act shall, whenever it is practicable so to do, be made in money and not by bill; and in cases where payment is made by bill drawn by the master, the owner of the ship shall be liable to pay the amount for which the same is drawn to the holder or indorsee thereof; and it shall not be necessary in any proceeding against the owner upon such bill to prove that the master had authority to draw the same; and any bill purporting to be drawn in pursuance of the said section, and to be indorsed as therein required, if produced out of the custody of the Board of Trade or of the Registrar-General of Seamen, or of any superintendent of any mercantile marine office, shall be received in evidence; and any indorsement on any such Bill purporting to be made in pursuance of the said section, and to be signed by one of the functionaries therein mentioned, shall also be received in evidence, and shall be deemed to be *primâ facie* evidence of the facts stated in such indorsement.

20. The 197th Section of the Principal Act shall extend to seamen or apprentices who within 6 months immediately preceding their death have belonged to a British ship; and such section shall be construed as if there were inserted in the first line thereof, after the words "such seaman or apprentice as last aforesaid," the words "or if any seaman or apprentice who has within the 6 months immediately preceding his death belonged to a British ship."

21. The wages of seamen or apprentices who are lost with the ship to which they belong shall be dealt with as follows (that is to say) :—

(1.) The Board of Trade may recover the same from the owner of the ship in the same manner in which seamen's wages are recoverable :

(2.) In any proceedings for the recovery of such wages, if it is shown by some official return produced out of the custody of the Registrar-General of Seamen, or by other evidence, that the ship has 12 months or upwards before the institution of the proceeding left a port of departure, and if it is not shown that she has been heard of within 12 months after such departure, she shall be deemed to have been lost with all hands on board, either immediately after the time she was last heard of, or at such later time as the Court hearing the case may think probable :

(3.) The production out of the custody of the Registrar-General of Seamen, or of the Board of Trade, of any duplicate agreement or list of the crew made out at the time of the last departure of the ship from the United Kingdom, or of a certificate purporting to be a certificate from a Consular or other public officer at any port abroad, stating that certain seamen or apprentices were shipped in the ship from the said port, shall, in the absence of proof to the contrary, be sufficient proof that the seamen or apprentices therein named were on board at the time of the loss :

(4.) The Board of Trade shall deal with such wages in the manner in which they deal with the wages of other deceased seamen and apprentices under the Principal Act.

22. Whereas under the 211th and 212th Section of the Principal Act, and the 16th Section of "The Merchant Shipping Act Amendment Act, 1855," provision is made for relieving and sending home seamen found in distress abroad : and whereas doubts are entertained whether power exists under the said sections of making regulations and imposing conditions which are necessary for the prevention of desertion and misconduct and the undue expenditure of public money : be it enacted, and it is hereby declared, that the claims of seamen to be relieved or sent home in pursuance of the said sections, or any of them, shall be subject to such regulations and dependent on such conditions as the Board of Trade may from time to time make or impose ; and no seaman shall have any right to demand to be relieved or sent home except in the cases and to the extent provided for by such regulations and conditions.

23. The following rules shall be observed with respect to the cancellation and suspension of certificates, that is to say :—

(1.) The power of cancelling or suspending the certificate of a master or mate by the 242nd Section of the Principal Act conferred

on the Board of Trade, shall (except in the case provided for by the 4th paragraph of the said section) vest in and be exercised by the Local Marine Board, Magistrates, Naval Court, Admiralty Court, or other Court or tribunal by which the case is investigated or tried, and shall not in future vest in or be exercised by the Board of Trade:

(2.) Such power shall extend to cancelling or suspending the certificates of engineers in the same manner as if "certificated engineer" or "certificated engineers" were inserted throughout such section after "master" or "masters":

(3.) Every such Board, Court, or tribunal shall at the conclusion of the case, or as soon afterwards as possible, state in open Court the decision to which they may have come with respect to cancelling or suspending certificates, and shall in all cases send a full report upon the case, with the evidence, to the Board of Trade, and shall also, if they determine to cancel or suspend any certificate, forward such certificate to the Board of Trade with their report:

(4.) It shall be lawful for the Board of Trade, if they think the justice of the case require it, to re-issue and return any certificate which has been cancelled or suspended, or shorten the time for which it is suspended, or grant a new certificate of the same or any lower grade in place of any certificate which has been cancelled or suspended:

(5.)* [The 434th and 437th Sections of the Principal Act shall be read as if for the word "nautical" were substituted the words "nautical or engineering," and as if for the word "person" and "assessor" respectively were substituted the words "person or persons" and "assessor or assessors" respectively:]

(6.) No certificate shall be cancelled or suspended under this section unless a copy of the report or a statement of the case upon which the investigation is ordered has been furnished to the owner of the certificate before the commencement of the investigation, nor, in the case of investigations conducted by justices or a stipendiary magistrate, unless one assessor at least expresses his concurrence in the report.

24. Every master or mate or engineer whose certificate is †[or is to be] suspended or cancelled in pursuance of this Act shall, upon demand of the Board, Court, or tribunal by which the case is investigated or tried, deliver his certificate to them, or, if it is not demanded by such Board, Court, or tribunal, shall, upon demand, deliver it to the Board of Trade, or as it directs, and in default shall for each offence incur a penalty not exceeding 50*l*.

* Repealed by Act 41 & 42 Vict., c. 79.

† The words within brackets were repealed by Act 42 & 43 Vict., c. 72.

Safety (Part IV of "Merchant Shipping Act, 1854").

25. On and after the 1st day of June, 1863, or such later day as may be fixed for the purpose by Order in Council, the regulations contained in the Table marked C in the Schedule hereto shall come into operation and be of the same force as if they were enacted in the body of this Act; but Her Majesty may from time to time, on the joint recommendation of the Admiralty and the Board of Trade, by Order in Council, annul or modify any of the said regulations, or make new regulations in addition thereto or in substitution therefor; and any alterations in or additions to such regulations made in manner aforesaid shall be of the same force as the regulations in the said Schedule.

26. The Board of Trade shall cause the said regulations and any alterations therein or additions thereto hereafter to be made to be printed, and shall furnish a copy thereof to any owner or master of a ship who applies for the same; and production of the "Gazette" in which any Order in Council containing such regulations or any alterations therein or additions thereto is published, or of a copy of such regulations, alterations, or additions, signed or purporting to be signed by one of the Secretaries or Assistant Secretaries of the Board of Trade, or sealed or purporting to be sealed with the seal of the Board of Trade, shall be sufficient evidence of the due making and purport of such regulations, alterations, or additions.

27. All owners and masters of ships shall be bound to take notice of all such regulations as aforesaid, and shall, so long as the same continue in force, be bound to obey them, and to carry and exhibit no other lights, and to use no other fog signals than such as are required by the said regulations; and in case of wilful default, the master, or the owner of the ship, if it appear that he was in such fault, shall, for each occasion upon which such regulations are infringed, be deemed to be guilty of a misdemeanour.

28. In case any damage to person or property arises from the non-observance by any ship of any regulation made by or in pursuance of this Act, such damage shall be deemed to have been occasioned by the wilful default of the person in charge of the deck of such ship at the time, unless it is shown to the satisfaction of the Court that the circumstances of the case made a departure from the regulation necessary.

29. *[If in any case of collision it appears to the Court before which the case is tried that such collision was occasioned by the non-observance of any regulation made by or in pursuance of this Act, the ship by which such regulation has been infringed shall be deemed to be in fault, unless it is shown to the satisfaction of the

Court that the circumstances of the case made a departure from the regulation necessary.]

30. The following steps may be taken in order to enforce compliance with the said regulations; that is to say:—

(1.) The surveyors appointed under the third part of the Principal Act, or such other persons as the Board of Trade may appoint for the purpose, may inspect any ships for the purpose of seeing that such ships are properly provided with lights and with the means of making fog signals in pursuance of the said regulations, and shall for that purpose have the powers given to inspectors by the 14th Section of the Principal Act.

(2.) If any such surveyor or person finds that any ship is not so provided, he shall give to the master or owner notice in writing, pointing out the deficiency, and also what is, in his opinion, requisite in order to remedy the same.

(3.) Every notice so given shall be communicated in such manner as the Board of Trade may direct to the Collector or Collectors of Customs at any port or ports from which such ship may seek to clear or at which her transire is to be obtained; and no Collector to whom such communication is made shall clear such ship outwards or grant her a transire, or allow her to proceed to sea, without a certificate under the hand of one of the said surveyors or other persons appointed by the Board of Trade as aforesaid, to the effect that the said ship is properly provided with lights and with the means of making fog signals in pursuance of the said regulations.

31. Any rules concerning the lights or signals to be carried by vessels navigating the waters of any harbour, river, or other inland navigation, or concerning the steps for avoiding collision to be taken by such vessels, which have been or are hereafter made by or under the authority of any local Act, shall continue and be of full force and effect notwithstanding anything in this Act or in the Schedule thereto contained.

32. In the case of any harbour, river, or other inland navigation for which such rules are not and cannot be made by or under the authority of any local Act, it shall be lawful for Her Majesty in Council, upon application of the Harbour Trust or body corporate, if any, owning to exercising jurisdiction upon the waters of such harbour, river, or inland navigation, or, if there is no such Harbour Trust or body corporate, upon application from persons interested in the navigation of such waters, to make rules concerning the lights or signals to be carried, and concerning the steps for avoiding collision to be taken by vessels navigating such waters; and such rules, when so made, shall, so far as regards vessels navigating such waters, have the same effect as if they were regulations contained in

Table C in the Schedule to this Act, notwithstanding anything in this Act or in the Schedule thereto contained.

33.* [In every case of collision between two ships it shall be the duty of the person in charge of each ship, if and so far as he can do so without danger to his own ship and crew, to render to the other ship, her master, crew, and passengers (if any), such assistance as may be practicable and as may be necessary in order to save them from any danger caused by the collision :

In case he fails so to do, and no reasonable excuse for such failure is shown, the collision shall, in the absence of proof to the contrary, be deemed to have been caused by his wrongful act, neglect, or default ; and such failure shall also, if proved upon any investigation held under the third or the eighth part of the Principal Act, be deemed to be an act of misconduct or a default for which his certificate (if any) may be cancelled or suspended.]

34. Notwithstanding anything in the 311th Section of the Principal Act contained, it shall not be necessary for the surveys of passenger steamers to be made in the months of April and October ; but no declaration shall be given by any surveyor under the fourth part of the said Act for a period exceeding 6 months, and no certificate issued by the Board of Trade shall remain in force more than 6 months from the date thereof.

35. The following offenders, that is to say :

(1.) Any person who, being drunken or disorderly, has been on that account refused admission into any duly surveyed passenger steamer by the owner or any person in his employ, who, after having had the amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter such steamer ;

(2.) Any person who, being drunken or disorderly on board any such steamer, is requested by the owner or any person in his employ to leave the same at any place in the United Kingdom at which he can conveniently do so, and who, having had the amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request ;

(3.) Any person on board any such steamer who, after warning by the master or any other officer of the steamer, molests or continues to molest any passenger ;

(4.) Any person who, after having been refused admission into any such steamer by the owner or any person in his employ on account of such steamer being full, and who, after having had the full amount of his fare (if he has paid the same) returned or tendered to him, nevertheless persists in attempting to enter the same ;

* Repealed by Act 36 & 37 Vict., c. 85. Vol. LXV. Page 594.

(5.) Any person, having got on board any such steamer, who, upon being requested on the like account by the owner or any person in his employ to leave such steamer before the same has quitted the place at which such person got on board, and who, upon having the full amount of his fare (if he has paid the same) returned or tendered to him, refuses to comply with such request;

(6.) Any person who travels or attempt to travel in any such steamer without having previously paid his fare, and with intent to avoid payment thereof;

(7.) Any person who, having paid his fare for a certain distance, knowingly and wilfully proceeds in any such steamer beyond such distance without previously paying the additional fare for the additional distance, and with intent to avoid payment thereof;

(8.) Any person who knowingly and wilfully refuses or neglects, on arriving at the point to which he has paid his fare, to quit any such steamer; and

(9.) Any person on board any such steamer who does not, when required by the master or other officer of such steamer, either pay his fare or exhibit such ticket or other receipt (if any) showing the payment of his fare as is usually given to persons travelling by and paying their fare for such steamer;

Shall for every such offence be liable to a penalty not exceeding 40s.; but such liability shall not prejudice the recovery of any fare payable by him.

36. Any person on board any such steamer who wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of such steamer, or to obstruct, impede, or molest the crew or any of them in the navigation or management of such steamer, or otherwise in the execution of their duty upon or about such steamer, shall for every such offence be liable to a penalty not exceeding 20*l*.

37. It shall be lawful for the master or other officer of any duly surveyed passenger steamer, and for all persons called by him to his assistance, to detain any person who has committed any offence against any of the provisions of the two last preceding sections of this Act, and whose name and address are unknown to such officer, and to convey such offender with all convenient despatch before some justice without any warrant or other authority than this Act; and such justice shall have jurisdiction to try the case, and shall proceed with all convenient despatch to the hearing and determining of the complaint against such offender.

38.* [The provisions of the 329th Section of the Principal Act shall extend to foreign ships when within the limits of the United Kingdom.]

* Repealed by Act 36 & 37 Vict., c. 85. Vol. LXV. Page 594.

Pilotage (Part V of "Merchant Shipping Act, 1854").

39. Whereas it is enacted by the Principal Act that every pilotage authority shall have power, in manner and subject to the conditions therein mentioned, to do the following things (that is to say):—

To exempt the masters of any ships or of any classes of ships from being compelled to employ qualified pilots;

To lower and modify the rates and prices or other remuneration to be demanded and received for the time being by pilots licensed by such authority :

To make arrangements with any other pilotage authority for altering the limits of their respective districts, and for extending the powers of such other authority, and transferring its own powers to such last-mentioned authority :

And whereas it is expedient that increased facilities should be given for effecting the objects contemplated by the said recited enactments, and for further amending the law concerning pilotage, and that in so doing means should be afforded for paying due regard to existing interests and to the circumstances of particular cases: Be it enacted, that it shall be lawful for the Board of Trade, by Provisional Order, to do the following things (that is to say) :—

(1.) Whenever any pilotage authority residing or having its place of business at one port has or exercises jurisdiction in matters of pilotage in any other port, to transfer so much of the said jurisdiction as concerns such last-mentioned port to any Harbour Trust or other body exercising any local jurisdiction in maritime matters at the last-mentioned port or to any body to be constituted for the purpose by the Provisional Order, or, in cases where the said pilotage authority is not the Trinity House of Deptford Strond, to the said Trinity House; or to transfer the whole or any part of the jurisdiction of the said pilotage authority to a new body corporate or body of persons to be constituted for the purpose by the Provisional Order, so as to represent the interests of the several ports concerned :

(2.) To make the body corporate or persons to whom the said transfer is made a pilotage authority within the meaning of the Principal Act, with such powers for the purpose as may be in the Provisional Order in that behalf mentioned :

To determine the limits of the district of the pilotage authority to which the transfer of jurisdiction is made :

To sanction a scale of pilotage rates to be taken by the pilots to be licensed by the last-mentioned pilotage authority :

To determine to what extent and under what conditions any pilots already licensed by the former pilotage authority shall continue to act under the new pilotage authority.

To sanction arrangements for the apportionment of any pilotage funds belonging to the pilots licensed by the former pilotage authority between the pilots remaining under the jurisdiction of that authority and the pilots who are transferred to the jurisdiction of the new authority :

To provide for such compensation or superannuation as may be just to officers employed by the former pilotage authority and not continued by the new authority :

(3.) To constitute a pilotage authority and to fix the limits of its district in any place in the United Kingdom where there is no such authority ; so, however, that in the new pilotage districts so constituted there shall be no compulsory pilotage, and no restriction on the power of duly qualified persons to obtain licences as pilots :

(4.) To exempt the masters and owners of all ships, or of any classes of ships, from being obliged to employ pilots in any pilotage district or in any part of any pilotage district, or from being obliged to pay for pilots when not employing them in any district or in any part of any pilotage district, and to annex any terms and conditions to such exemptions :

(5.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licences as pilots, to enable any pilotage authority to license pilots and fix pilotage rates for any part of the district within the jurisdiction of such authority for which no such licences or rates now exist :

(6.) In cases where the pilotage is not compulsory, and where there is no restriction on the power of duly qualified persons to obtain licences as pilots, to enable any pilotage authority to raise all or any of the pilotage rates now in force in the district or any part of the district within the jurisdiction of such authority :

(7.) In cases where the pilotage is not compulsory, and where there is no restriction on the number of pilots, or on the power of duly qualified persons to obtain licences as pilots, to give additional facilities for the recovery of pilotage rates and for the prevention of the employment of unqualified pilots :

(8.) To give facilities for enabling duly qualified persons, after proper examination as to their qualifications, to obtain licences as pilots.

40. The following rules shall be observed with respect to Provisional Orders made in pursuance of this Act :—

(1.) Application in writing for such Order shall be made to the Board of Trade by some persons interested in the pilotage of the district or in the operation of the laws or regulations relating to such pilotage.

(2.) Notice of such application having been made shall be pub-

lished once at least in each of two successive weeks in the month immediately succeeding the time of such application in the "Shipping Gazette," and in some newspaper or newspapers circulating in the county, or, if there are more than one, in the counties adjacent to the pilotage district to be affected by the Order :

(3.) The notice so published shall state the objects which it is proposed to effect by the Provisional Order :

(4.) The Board of Trade on receiving the application shall refer the same to the pilotage authority or authorities of the district, and shall receive and consider any objections which may be made to the proposed Provisional Order, and shall for that purpose allow at least 6 weeks to elapse between the time of referring the application to the pilotage authority and the time of making the Provisional Order :

(5.) The Board of Trade shall, after considering all objections, determine whether to proceed with the Provisional Order or not ; and shall, if they determine to proceed with it, settle it in such manner, and with such terms and conditions, not being inconsistent with the provisions of this Act, as they may think fit ; and shall, when they have settled the same, forward copies thereof to the persons making the application and to the pilotage authority or authorities of the district or districts to which it refers :

(6.) No such Provisional Order shall take effect unless and until the same is confirmed by Parliament ; and for the purpose of procuring such confirmation the Board of Trade shall introduce into Parliament a Public General Bill, or Public General Bills, in which, or in the Schedule to which, the Provisional Order or Provisional Orders to be thereby confirmed shall be set out at length :

(7.) If any Petition is presented to either House of Parliament against any such Provisional Order as aforesaid, in the progress through Parliament of the Bill confirming the same, so much of the Bill as relates to the Order so petitioned against may be referred to a Select Committee, and the petitioner shall in such case be allowed to appear and oppose as in the case of Private Bills.

41. The masters and owners of ships passing through the limits of any pilotage district in the United Kingdom on their voyages between two places, both situate out of such districts, shall be exempted from any obligation to employ a pilot within such district, or to pay pilotage rates when not employing a pilot within such district : Provided that the exemption contained in this section shall not apply to ships loading or discharging at any place situate within such district, or at any place situate above such district on the same river or its tributaries.

42. Whereas under the provisions of "The Bristol Channel Pilotage Act, 1861," pilotage authorities have been established at

the ports of Newport and Gloucester, and the pilots theretofore licensed by the Trinity House of Deptford Strond for those parts have ceased to be so licensed: And whereas no provision has been made by the said Act for dealing with such interests as the said pilots may have in the Trinity House Pilot Fund mentioned in the Principal Act: Be it therefore enacted, that, notwithstanding the said pilots have ceased to be licensed by the Trinity House, the Trinity House may make such an equitable arrangement in the administration of the Trinity House Pilot Fund mentioned in the Principal Act with reference to the interests of the pilots so ceasing to be licensed by them as aforesaid as they may in their discretion think fit.

Lighthouses (Part VI of "Merchant Shipping Act, 1854.")

43. The following rules shall be observed with respect to the inspection of local lighthouses, buoys, and beacons (that is to say):—

(1.) It shall be the duty of each of the general lighthouse authorities, or of such persons as may be authorized by such authority for the purpose, to inspect all lights, buoys, and beacons situate within the limits of the jurisdiction of such general authority, but belonging to or under the jurisdiction of any local authorities, and to make such inquiries in respect thereof and of the management thereof as they may think fit;

(2.) All officers and others having the care of such lighthouses, buoys, or beacons, or concerned in the management thereof, shall furnish all such information and explanations concerning the same as they may require :

(3.) All such local authorities and their respective officers shall, at all times, give to the inspecting authority all such returns, explanations, or information concerning the lighthouses, buoys, and beacons within their jurisdiction, and the management thereof, as the said authority may from time to time require :

(4.) The inspecting authority shall communicate to each local authority the results of its inspection of the lighthouses, buoys, and beacons within its jurisdiction, and shall also make general reports of the results of its inspection of local lighthouses, buoys, and beacons to the Board of Trade ; and such reports shall be laid before Parliament :

(5.) The powers given by the 394th Section of the Principal Act to the general lighthouse authorities shall, so far as the same are applicable, extend and apply to the case of local buoys and beacons, other than local buoys and beacons placed or erected for temporary purposes, as well as to the case of local lighthouses.

44. The following persons shall be liable to pay light dues for any ship in respect of which light dues are payable ; (that is to say)

the owner or master, or such consignees or agents thereof as have paid or made themselves liable to pay any other charge on account of such ship in the port of her arrival or discharge, and in default of payment such light dues may be recovered in the same manner as penalties of the like amount may be recovered by virtue of the principal Act.

45. Every consignee and agent (not being the owner or master) hereby made liable for the payment of light dues in respect of any ship may, out of any moneys in his hands received on account of such ship, or belonging to the owner thereof, retain the amount of all dues so paid by him, together with any reasonable expenses he may have incurred by reason of such payment or liability.

46. If any lighthouse, buoy, or beacon is erected or placed or reconstructed, repaired, or replaced by any local authority having jurisdiction in the matter of lighthouses, buoys, or beacons, Her Majesty may, on the application of the said local authority, by Order in Council fix such dues to be paid to the said local authority in respect of every ship which enters the port or harbour under the jurisdiction of such local authority, or the estuary wherein such lighthouse, buoy, or beacon is situate, and which passes the said lighthouse, buoy, or beacon, and derives benefit therefrom, as Her Majesty may deem reasonable :

The dues for the time being fixed by any such Order in Council as aforesaid shall be paid accordingly by the master of the said ship or other person or persons by whom the said light dues, if levied by one of the general lighthouse authorities, would be payable, and shall be recoverable in the same manner as light dues payable to such general authorities are recoverable.

47. All light dues leviable by any local authority under this Act shall be applied for the purposes of the construction, placing, maintenance, and improvement of the lighthouses, buoys, and beacons in respect of which the same are levied, and for no other purpose :

The local authority to whom the same are paid shall keep a separate account of the receipt and expenditure of such dues, and shall once in every year, or at such other time as the Board of Trade may determine, send a copy of such account to the Board of Trade, and shall send the same in such form and shall give such particulars in relation thereto as the Board of Trade may require :

Her Majesty may by Order in Council from time to time reduce, alter, or increase all or any of such dues, so that the same may, so far as it is practicable, be sufficient and not more than sufficient for the payment of the expenses incurred by the local authority in respect of the lighthouses, buoys, or beacons for which the dues are levied.

48. The 431st Section of the Principal Act shall be read as if after the word "ships" there were inserted the words "and boats."

Wreck and Salvage (Part VIII of "Merchant Shipping Act, 1854").

49. The provisions contained in Part VIII of the Principal Act for giving summary jurisdiction to two justices in salvage cases, and for preventing unnecessary appeals and litigation in such cases, shall be amended as follows (that is to say):—

(1.) Such provisions shall extend to all cases in which the value of the property saved does not exceed 1,000*l.*, as well as to the cases provided for by the Principal Act:

(2.) Such provisions shall be held to apply whether the salvage service has been rendered within the limits of the United Kingdom or not:

(3.) It shall be lawful for one of Her Majesty's Principal Secretaries of State, or in Ireland for the Lord Lieutenant or other Chief Governor or Governors, to appoint out of the justices for any borough or county, a rota of justices by whom jurisdiction in salvage cases shall be exercised:

(4.) When no such rota is appointed, it shall be lawful for the salvors, by writing addressed to the justice's clerk, to name one justice, and for the owner of the property saved in like manner to name the other:

(5.) If either party fails to name a justice within a reasonable time, the case may be tried by two or more justices at petty sessions:

(6.) It shall be competent for any stipendiary magistrate, and also in England for any county court judge, in Scotland for the sheriff or sheriff substitute of any county, and in Ireland for the recorder of any borough in which there is a recorder, or for the chairman of quarter sessions in any county, to exercise the same jurisdiction in salvage cases as is given to two justices:

(7.) It shall be lawful for one of Her Majesty's Principal Secretaries of State to determine a scale of costs to be awarded in salvage cases by any such justices or court as aforesaid:

(8.) All the provisions of the Principal Act relating to summary proceedings in salvage cases, and to the prevention of unnecessary appeals in such cases, shall, except so far as the same are altered by this Act, extend and apply to all such proceedings, whether under the Principal Act or this Act, or both of such Acts.

50. Whenever any salvage question arises the Receiver of Wreck for the district may, upon application from either of the parties, appoint a valuer to value the property in respect of which the salvage claim is made, and shall, when the valuation has been returned to him, give a copy of the valuation to both parties; and

any copy of such valuation, purporting to be signed by the valuer, and to be attested by the Receiver, shall be received in evidence in any subsequent proceeding; and there shall be paid in respect of such valuation, by the party applying for the same, such fee as the Board of Trade may direct.

51. The words "Court of Session" in the 468th Section of the Principal Act shall be deemed to mean and include either division of the Court of Session, or the Lord Ordinary officiating on the Bills during vacation.

52. Upon delivery of wreck, or of the proceeds of wreck, by any Receiver to any person in pursuance of the provisions of Part VIII of the Principal Act, such Receiver shall be discharged from all liability in respect thereof; but such delivery shall not be deemed to prejudice or affect any question concerning the right or title to the said wreck which may be raised by third parties, nor shall any such delivery prejudice or affect any question concerning the title to the soil on which the wreck may have been found.

53. Whereas by the Principal Act it is provided that the proceeds of wreck, if the same is not claimed by the owner within a year, and if no person other than Her Majesty, her heirs and successors, is proved to be entitled thereto, shall, subject to certain deductions, be paid into the receipt of Her Majesty's Exchequer in such manner as the Commissioners of the Treasury may direct, and that the same shall be carried to and form part of the Consolidated Fund of the United Kingdom:

And whereas doubts have been entertained whether the said last-recited provision is consistent with the arrangements concerning the hereditary revenues of the Crown effected by the Act of the first year of Her present Majesty, chapter 2: And whereas doubts have also been entertained whether due provision is made by the said Act for paying to the revenues of the Duchies of Lancaster and Cornwall respectively such of the said proceeds as may belong to those Duchies;

It is hereby declared, that such of the said proceeds of wreck as belong to Her Majesty in right of her Crown shall, during the life of Her present Majesty (whom God long preserve), be carried to and form part of the Consolidated Fund of the United Kingdom, and shall, after the decease of Her present Majesty (whom God long preserve), be payable and paid to Her Majesty's heirs and successors.

And it is hereby further declared that such of the said proceeds of wreck as belong to Her Majesty in right of her Duchy of Lancaster shall be paid to the Receiver-General of the said Duchy or his sufficient deputy or deputies as part of the revenues of the said Duchy, and be dealt with accordingly:

And it is hereby further declared and enacted, that the provision

in the Principal Act contained regarding the sale of unclaimed wreck to which no owner establishes his claim within the period of one year, and to which no Admiral, Vice-Admiral, Lord of any Manor, or person other than Her Majesty, her heirs and successors, is proved to be entitled, is intended and shall be construed to apply to wreck of the sea belonging to Her Majesty, her heirs and successors, in respect of the Duchy of Cornwall, or to the Duke of Cornwall for the time being in respect of his Duchy of Cornwall: But that the proceeds of such wreck shall, subject to such deductions as are in the same Act mentioned, form part of the revenues of the Duchy of Cornwall, and be dealt with accordingly.

Liability of Shipowners (Part IX of "Merchant Shipping Act, 1854").

54. The owners of any ship, whether British or foreign, shall not, in cases where all or any of the following events occur without their actual fault or privity, that is to say:—

(1.) Where any loss of life or personal injury is caused to any person being carried in such ship;

(2.) Where any damage or loss is caused to any goods, merchandize, or other things whatsoever on board any such ship;

(3.) Where any loss of life or personal injury is by reason of the improper navigation of such ship as aforesaid caused to any person carried in any other ship or boat;

(4.) Where any loss or damage is by reason of the improper navigation of such ship as aforesaid caused to any other ship or boat, or to any goods, merchandize, or other things whatsoever on board any other ship or boat;

be answerable in damages in respect of loss of life or personal injury, either alone or together with loss or damage to ships, boats, goods, merchandize, or other things, to an aggregate amount exceeding 15*l.* for each ton of their ship's tonnage; nor in respect of loss or damage to ships, goods, merchandize, or other things, whether there be in addition loss of life or personal injury or not, to an aggregate amount exceeding 8*l.* for each ton of the ship's tonnage; such tonnage to be the registered tonnage in the case of sailing ships, and in the case of steam-ships the gross tonnage without deduction on account of engine-room:

In the case of any foreign ship which has been or can be measured according to British law, the tonnage as ascertained by such measurement shall, for the purposes of this section, be deemed to be the tonnage of such ship:

In the case of any foreign ship which has not been and cannot be measured under British law, the Surveyor-General of Tonnage in the United Kingdom, and the chief measuring officer in any British possession abroad, shall, on receiving from or by direction of

the Court hearing the case such evidence concerning the dimensions of the ship as it may be found practicable to furnish, give a certificate under his hand, stating what would in his opinion have been the tonnage of such ship if she had been duly measured according to British law, and the tonnage so stated in such certificate shall, for the purposes of this section, be deemed to be the tonnage of such ship.

55. Insurances effected against any or all of the events enumerated in the section last preceding, and occurring without such actual fault or privity as therein mentioned, shall not be invalid by reason of the nature of the risk.

56. In any proceeding under the 506th Section of the Principal Act or any Act amending the same against the owner of any ship or share therein in respect of loss of life, the master's list or the duplicate list of passengers delivered to the proper officer of Customs under the 16th Section of "The Passengers Act, 1855,"* shall, in the absence of proof to the contrary, be sufficient proof that the persons in respect of whose death any such prosecution or proceeding is instituted were passengers on board such ship at the time of their deaths.

Arrangements concerning Lights, Sailing Rules, Salvage, and Measurement of Tonnage in the Case of Foreign Ships.

57. Whenever foreign ships are within British jurisdiction, the regulations for preventing collision contained in Table C in the Schedule to this Act, or such other regulations for preventing collisions as are for the time being in force under this Act, and all provisions of this Act relating to such regulations, or otherwise relating to collisions, shall apply to such foreign ships; and in any cases arising in any British Court of Justice concerning matters happening within British jurisdiction, foreign ships shall, so far as regards such regulations and provisions, be treated as if they were British ships.

58. Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that the regulations for preventing collision contained in Table C in the Schedule to this Act, or such other regulations for preventing collision as are for the time being in force under this Act, or any of the said regulations or any provisions of this Act relating to collisions, should apply to the ships of such country when beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that such regulations and all provisions of this Act which relate to such regulations, and all such other provisions as aforesaid, shall apply to the ships of the said foreign country, whether within British jurisdiction or not.

* 18 & 19 Vict., c. 119.

59. Whenever it is made to appear to Her Majesty that the Government of any foreign country is willing that salvage shall be awarded by British Courts for services rendered in saving life from any ship belonging to such country when such ship is beyond the limits of British jurisdiction, Her Majesty may, by Order in Council, direct that the provisions of the Principal Act and of this Act, with respect to salvage for services rendered in saving life from British ships, shall in all British Courts be held to apply to services rendered in saving life from the ships of such foreign country, whether such services are rendered within British jurisdiction or not.

60. Whenever it is made to appear to Her Majesty that the rules concerning the measurement of tonnage of merchant-ships, for the time being in force under the Principal Act, have been adopted by the Government of any foreign country, and are in force in that country, it shall be lawful for Her Majesty, by Order in Council, to direct that the ships of such foreign country shall be deemed to be of the tonnage denoted in their certificates of registry or other national papers; and thereupon it shall no longer be necessary for such ships to be remeasured in any port or place in Her Majesty's dominions, but such ships shall be deemed to be of the tonnage denoted in their certificates of registry or other papers, in the same manner, to the same extent, and for the same purposes in, to, and for which the tonnage denoted in the certificates of registry of British ships is deemed to be the tonnage of such ships.

61. Whenever an Order in Council has been issued under this Act, applying any provision of this Act or any regulation made by or in pursuance of this Act to the ships of any foreign country, such ships shall, in all cases arising in any British Court, be deemed to be subject to such provision or regulation and shall for the purpose of such provision or regulation be treated as if they were British ships.

62. In issuing any Order in Council under this Act Her Majesty may limit the time during which it is to remain in operation, and may make the same subject to such conditions and qualifications, if any, as may be deemed expedient, and thereupon the operation of the said Order shall be limited and modified accordingly.

63. Her Majesty may, by Order in Council, from time to time revoke or alter any Order previously made under this Act.

64. Every Order in Council to be made under this Act shall be published in the "London Gazette" as soon as may be after the making thereof; and the production of a copy of the "London Gazette" containing such Order shall be received in evidence, and shall be proof that the Order therein published has been duly made and issued; and it shall not be necessary to plead such Order specially.

Legal Procedure.

65. Nothing in the 3rd Section of the Act passed in the 20th and 21st years of the reign of Her present Majesty, cap. 43, except so much thereof as provides for the payment of any fees that may be due to the Clerk of the Justices, shall be deemed to apply to extend to any proceeding under the direction of the Board of Trade, or under or by virtue of the provisions of the Principal Act or this Act, or any Act amending the same.

Delivery of Goods and Lien for Freight.

66. The following terms used in the sections of this Act hereinafter contained shall have the respective meanings hereby assigned to them, if not inconsistent with the context or subject-matter; that is to say:—

The word “report” shall mean the report required by the Customs laws to be made by the master of any importing ship:

The word “entry” shall mean the entry required by the Customs laws to be made for the landing or discharge of goods from an importing ship:

The word “goods” shall include every description of wares and merchandize:

The word “wharf” shall include all wharves, quays, docks, and premises in or upon which any goods when landed from ships may be lawfully placed:

The word “warehouse” shall include all warehouses, buildings, and premises in which goods when landed from ships may be lawfully placed:

The expression “wharf owner” shall mean the occupier of any wharf as hereinbefore defined:

The expression “warehouse owner” shall mean the occupier of any warehouse, as hereinbefore defined:

The word “shipowner” shall include the master of the ship and every other person authorized to act as agent for the owner, or entitled to receive the freight, demurrage, or other charges payable in respect of such ship:

The expression “owner of goods” shall include every person who is for the time being entitled, either as owner or agent for the owner, to the possession of the goods, subject, in the case of a lien, if any, to such lien.

67. Where the owner of any goods imported in any ship from foreign parts into the United Kingdom fails to make entry thereof, or having made entry thereof to land the same or take delivery thereof and to proceed therewith with all convenient speed, by the times severally hereinafter mentioned, the shipowner may make

entry of and land or unship the said goods at the times, in the manner, and subject to the conditions following (that is to say):—

(1.) If a time for the delivery of the goods is expressed in the charter-party, bill of lading, or agreement, then at any time after the time so expressed :

(2.) If no time for the delivery of the goods is expressed in the charter-party, bill of lading, or agreement, then at any time after the expiration of 72 hours, exclusive of a Sunday or holiday, after the report of the ship :

(3.) If any wharf or warehouse is named in the charter-party, bill of lading, or agreement, as the wharf or warehouse where the goods are to be placed, and if they can be conveniently there received, the shipowner in landing them by virtue of this enactment shall cause them to be placed on such wharf or in such warehouse :

(4.) In other cases the shipowner in landing goods by virtue of this enactment shall place them in or on some wharf or warehouse on or in which goods of a like nature are usually placed ; such wharf or warehouse being, if the goods are dutiable, a wharf or warehouse duly approved by the Commissioners of Customs for the landing of dutiable goods :

(5.) If at any time before the goods are landed or unshipped the owner of the goods is ready and offers to land or take delivery of the same, he shall be allowed so to do, and his entry shall in such case be preferred to any entry which may have been made by the shipowner :

(6.) If any goods are, for the purpose of convenience in assorting the same, landed at the wharf where the ship is discharged, and the owner of the goods at the time of such landing has made entry and is ready and offers to take delivery thereof, and to convey the same to some other wharf or warehouse, such goods shall be assorted at landing, and shall, if demanded, be delivered to the owner thereof within 24 hours after assortment ; and the expense of and consequent on such landing and assortment shall be borne by the shipowner :

(7.) If at any time before the goods are landed or unshipped the owner thereof has made entry for the landing and warehousing thereof at any particular wharf or warehouse other than that at which the ship is discharging, and has offered and been ready to take delivery thereof, and the shipowner has failed to make such delivery, and has also failed at the time of such offer to give the owner of the goods correct information of the time at which such goods can be delivered, then the shipowner shall, before landing or unshipping such goods under the power hereby given to him, give to the owner of the goods or of such wharf or warehouse as last aforesaid 24 hours' notice in writing of his readiness to deliver the goods, and shall, if he lands or unships the same without such notice, do so at his own risk and expense.

63. If, at the time when any goods are landed from any ship and placed in the custody of any person as a wharf or warehouse owner, the shipowner gives to the wharf or warehouse owner notice in writing that the goods are to remain subject to a lien for freight or other charges payable to the shipowner to an amount to be mentioned in such notice, the goods so landed shall, in the hands of the wharf or warehouse owner, continue liable to the same lien, if any, for such charges as they were subject to before the landing thereof: and the wharf or warehouse owner receiving such goods shall retain them until the lien is discharged as hereinafter mentioned, and shall, if he fail so to do, make good to the shipowner any loss thereby occasioned to him.

69. Upon the production to the wharf or warehouse owner of a receipt for the amount claimed as due, and delivery to the wharf or warehouse owner of a copy thereof, or of a release of freight from the shipowner, the said lien shall be discharged.

70. The owner of the goods may deposit with the wharf or warehouse owner a sum of money equal in amount to the sum so claimed as aforesaid by the shipowner, and thereupon the lien shall be discharged, but without prejudice to any other remedy which the shipowner may have for the recovery of the freight.

71. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does not, within 15 days after making it, give to the wharf or warehouse owner notice in writing to retain it, stating in such notice the sum, if any, which he admits to be payable to the shipowner, or, as the case may be, that he does not admit any sum to be so payable, the wharf or warehouse owner may, at the expiration of such 15 days, pay the sum so deposited over to the shipowner, and shall by such payment be discharged from all liability in respect thereof.

72. If such deposit as aforesaid is made with the wharf or warehouse owner, and the person making the same does, within 15 days after making it, give to the wharf or warehouse owner such notice in writing as aforesaid, the wharf or warehouse owner shall immediately apprise the shipowner of such notice, and shall pay or tender to him out of the sum deposited, the sum, if any, admitted by such notice to be payable, and shall retain the remainder or balance, or, if no sum is admitted to be payable, the whole of the sum deposited, for 30 days from the date of the said notice; and at the expiration of such 30 days, unless legal proceedings have in the meantime been instituted by the shipowner against the owner of the goods to recover the said balance or sum, or otherwise for the settlement of any disputes which may have arisen between them concerning such freight or other charges as aforesaid, and notice in writing of such proceedings has been served on him, the wharf or warehouse owner

shall pay the said balance or sum over to the owner of the goods, and shall by such payment be discharged from all liability in respect thereof.

73. If the lien is not discharged, and no deposit is made as hereinbefore mentioned, the wharf or warehouse owner may, and, if required by the shipowner, shall, at the expiration of 90 days from the time when the goods were placed in his custody, or, if the goods are of a perishable nature, at such earlier period as he in his discretion thinks fit, sell by public auction, either for home use or exportation, the said goods or so much thereof as may be necessary to satisfy the charges hereinafter mentioned.

74. Before making such sale the wharf or warehouse owner shall give notice thereof by advertisement in two newspapers circulating in the neighbourhood, or in one daily newspaper published in London, and in one local newspaper, and also, if the address of the owner of the goods has been stated on the manifest of the cargo, or on any of the documents which have come into the possession of the wharf or warehouse owner, or is otherwise known to him, give notice of the sale to the owner of the goods by letter sent by the post; but the title of a *bonâ fide* purchase of such goods shall not be invalidated by reason of the omission to send notice as hereinbefore mentioned, nor shall any such purchaser be bound to inquire whether such notice has been sent.

75. In every case of any such sale as aforesaid the wharf or warehouse owner shall apply the moneys received from the sale as follows, and in the following order:—

(1.) If the goods are sold for home use in payment of any Customs or Excise duties owing in respect thereof:

(2.) In payment of the expenses of the sale:

(3.) In the absence of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, in payment of the rent, rates, and other charges due to the wharf or warehouse owner in respect of the said goods:

(4.) In payment of the amount claimed by the shipowner as due for freight or other charges in respect of the said goods:

(5.) But in case of any agreement between the wharf or warehouse owner and the shipowner concerning the priority of their respective charges, then such charges shall have priority according to the terms of such agreement:

And the surplus, if any, shall be paid to the owner of the goods.

76. Whenever goods are placed in the custody of a wharf or warehouse owner under the authority of this Act, the said wharf or warehouse owner shall be entitled to rent in respect of the same, and shall also have power from time to time, at the expense of the owner of the goods, to do all such reasonable acts as in the judgment

of the said wharf or warehouse owner are necessary for the proper custody and preservation of the said goods, and shall have a lien on the said goods for the said rent and expenses.

77. Nothing in this Act contained shall compel any wharf or warehouse owner to take charge of any goods which he would not be liable to take charge of if this Act had not passed; nor shall he be bound to see to the validity of any lien claimed by any shipowner under this Act.

78. Nothing in this Act contained shall take away or abridge any powers given by any Local Act to any harbour trust, body corporate, or persons whereby they are enabled to expedite the discharge of ships or the landing or delivery of goods; nor shall anything in this Act contained take away or diminish any rights or remedies given to any shipowner, or wharf or warehouse owner by any Local Act.

The SCHEDULE referred to in this Act.

TABLE (A). See Sect. 2.*

Enactments to be repealed.

TABLE (B). See Sect. 6.

Fees to be charged on Examination of Engineers.

| | | | | | |
|--|----|----|----|---|---|
| For a first class engineer's certificate.. | .. | .. | £2 | 0 | 0 |
| For a second class engineer's certificate | .. | .. | 1 | 0 | 0 |

TABLE (C). See Sect. 25.

Regulations for preventing Collisions at Sea.

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Art. 1. Preliminary.

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2. Lights to be carried as follows:—
3. Lights for steam-ships.
4. Lights for steam-tugs.
5. Lights for sailing-ships.
6. Exceptional lights for small sailing-vessels.
7. Lights for ships at anchor.
8. Lights for pilot-vessels.
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Rules concerning Fog-Signals.

10. Fog-signals.

Steering and Sailing Rules.

11. Two sailing-ships meeting.
12. Two sailing-ships crossing.
13. Two ships under steam meeting.

* Repealed by Act 38 & 39 Vict., c. 66.

14. Two ships under steam crossing.
15. Sailing-ship and ship under steam.
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17. Vessels overtaking other vessels.
18. Construction of Articles 12, 14, 15, and 17.
19. Proviso to save special cases.
20. No ship under any circumstances to neglect proper precautions.

Preliminary.

Art. 1. In the following rules every steam-ship which is under sail and not under steam is to be considered a sailing-ship; and every steam-ship which is under steam, whether under sail or not, is to be considered a ship under steam.

Rules concerning Lights.

2. The lights mentioned in the following Articles, and no others, shall be carried in all weathers between sunset and sunrise.

3. Sea-going steam-ships when under weigh shall carry :

(a.) *At the foremast head*, a bright white light so fixed as to show an uniform and unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points each side of the ship, viz., from right ahead to two points abaft the beam on either side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least 5 miles :

(b.) *On the starboard side*, a green light so constructed as to throw an uniform and unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles :

(c.) *On the port side*, a red light so constructed as to show an uniform unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles :

(d.) The said green and red side lights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.

4. Steam-ships when towing other ships shall carry two bright white mast-head lights vertically, in addition to their side lights, so as to distinguish them from other steam-ships. Each of these mast-head lights shall be of the same construction and character as the mast-head lights which other steam-ships are required to carry.

5. Sailing-ships under weigh or being towed shall carry the same lights as steam-ships under weigh, with the exception of the white mast-head lights, which they shall never carry.

6. Whenever, as in the case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side.

To make the use of these portable lights more certain and easy, they shall each be painted outside with the colour of the light they respectively contain and shall be provided with suitable screens.

7. Ships, whether steam-ships or sailing-ships, when at anchor in roadsteads

or fairways, shall between sunrise and sunset* exhibit, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a globular lantern of 8 inches in diameter, and so constructed as to show a clear uniform and unbroken light visible all round the horizon, and at a distance of at least one mile.

8. Sailing pilot-vessels shall not carry the lights required for other sailing vessels, but shall carry a white light at the mast-head visible all round the horizon,—and shall also exhibit a flare-up light every 15 minutes.

9. Open fishing-boats and other open boats shall not be required to carry side lights required for other vessels; but shall, if they do not carry such lights, carry a lantern having a green slide on the one side and a red slide on the other side; and on the approach of or to other vessels such lantern shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

Fishing-vessels and open boats when at anchor or attached to their nets and stationary shall exhibit a bright white light.

Fishing-vessels and open boats shall, however, not be prevented from using a flare-up in addition if considered expedient.

Rules concerning Fog-Signals.

10. Whenever there is fog, whether by day or night, the fog-signals described below shall be carried and used, and shall be sounded at least every 5 minutes; viz.—

(a.) Steam-ships under weigh shall use a steam-whistle placed before the funnel not less than 8 feet from the deck.

(b.) Sailing-ships under weigh shall use a fog-horn.

(c.) Steam-ships and sailing-ships when not under weigh shall use a bell.

Steering and Sailing Rules.

11. If two sailing-ships are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port so that each may pass on the port side of the other.

12. When two sailing-ships are crossing so as to involve risk of collision, then if they have the wind on different sides, the ship with the wind on the port side shall keep out of the way of the ship with the wind on the starboard side, except in the case in which the ship with the wind on the port side is close-hauled and the other ship free, in which case the latter ship shall keep out of the way; but if they have the wind on the same side, or if one of them has the wind aft, the ship which is to windward shall keep out of the way of the ship which is to leeward.

13. If two ships under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port so that each may pass on the port side of the other.

14. If two ships under steam are crossing so as to involve risk of collision, the ship which has the other on her own starboard side shall keep out of the way of the other.

15. If two ships, one of which is a sailing-ship and the other a steam-ship, are proceeding in such directions as to involve risk of collision, the steam-ship shall keep out of the way of the sailing-ship.

16. Every steam-ship, when approaching another ship so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-ship shall, when in a fog, go at a moderate speed.

17. Every vessel overtaking any other vessel shall keep out of the way of the said last-mentioned vessel.

* *Sic in original.*

18. Where by the above rules one of two ships is to keep out of the way, the other shall keep her course, subject to the qualifications contained in the following Article.

19. In obeying and construing these rules due regard must be had to all dangers of navigation: and due regard must also be had to any special circumstances which may exist in any particular case rendering a departure from the above rules necessary in order to avoid immediate danger.

20. Nothing in these rules shall exonerate any ship or the owner or master or crew thereof from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen or by the special circumstances of the case.

*ACT of the British Parliament, to amend "The Merchant Shipping Act, 1854."** [*Offences by British Subjects on board Ships, &c.*]

[30 & 31 Vict., cap. 124.]

[August 20, 1867.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as "The Merchant Shipping Act, 1867," and shall be construed with and as part of "The Merchant Shipping Act, 1854," hereinafter termed the "Principal Act."

2. †[This Act shall come into operation on the 1st day of January, 1868, but shall not apply to any ship which belongs to the United Kingdom, and is absent therefrom at the time when this Act comes into operation, until such ship has returned to the United Kingdom.]

3. †[The 224th, 227th, and 231st Sections of the Principal Act are hereby repealed.]

4. The following rules shall be observed with respect to medicines, medical stores, and anti-scorbutics (that is to say) :

(1.) The Board of Trade shall from time to time issue and cause to be published scales of medicines and medical stores suitable for different ships and voyages, and shall also prepare or sanction a book or books containing instructions for dispensing the same :

(2.) The owners of every ship navigating between the United Kingdom and any place out of the same shall provide and cause to be kept on board such ship a supply of medicines and medical stores in accordance with the scale appropriate to the said ship, and also a copy of the said book or of one of the said books containing instructions :

* Vol. XLV. Page 1347.

† Repealed by Act 38 & 39 Vict., c. 66.

(3.) No lime or lemon juice shall be deemed fit and proper to be taken on board any such ship for the use of the crew or passengers thereof, unless the same has been obtained from a bonded warehouse for and to be shipped as stores; and no lime or lemon juice shall be so obtained or delivered from any warehouse as aforesaid unless the same is shown, by a certificate under the hand of an inspector appointed by the Board of Trade, to be proper for use on board ship, such certificate to be given upon inspection of a sample after deposit of the said lime or lemon juice in the warehouse; nor unless the same contains 15 per centum of proper and palatable proof spirits, to be approved by such inspector, or by the proper officer of Customs, and to be added before or immediately after the inspection thereof; nor unless the same is packed in such bottles, at such time and in such manner, and is labelled in such manner as the Commissioners of Customs may direct; provided that when any such lime or lemon juice is deposited in any bonded warehouse, and has been approved as aforesaid by the said inspector, the said spirits, or so much of the said spirits as is necessary to make up 15 per centum, may be added in such warehouse, without payment of any duty thereon; and when any spirit has been added to any lime or lemon juice, and the same has been labelled as aforesaid, it shall be deposited in the warehouse for delivery as ship's stores only, upon such terms and subject to such regulations of the Commissioners of Customs as are applicable to the delivery of ship's stores from the warehouse:

(4.) The master or owner of every such foreign-going ship (except those bound to European ports or to ports in the Mediterranean Sea, and also except such ships or classes of ships bound to ports on the eastern coast of America north of the 35th degree of north latitude, and to any islands or places in the Atlantic Ocean north of the same limit, as the Board of Trade may from time to time exempt from this enactment) shall provide and cause to be kept on board such ship a sufficient quantity of lime or lemon juice from the warehouse duly labelled as aforesaid, such labels to remain intact until 24 hours at least after such ship shall have left her port of departure on her foreign voyage, or a sufficient quantity of such other anti-scorbutics, if any, of such quality and composed of such materials, and packed and kept in such manner, as Her Majesty, by Order in Council, may from time to time direct:

(5.) The master of every such ship as last aforesaid shall serve or cause to be served out the lime or lemon juice with sugar (such sugar to be in addition to any sugar required by the articles) or other such anti-scorbutics as aforesaid to the crew so soon as they have been at sea for 10 days, and during the remainder of the voyage, except during such time as they are in harbour and are

there supplied with fresh provisions ; the lime or lemon juice and sugar to be served out daily at the rate of an ounce each per day to each member of the crew, and to be mixed with a due proportion of water before being served out, or the other anti-scorbutics, if any, at such times and in such quantities as Her Majesty, by Order in Council, may from time to time direct :

(6.) If at any time when such lime or lemon juice or anti-scorbutics is or are so served out as aforesaid, any seaman or apprentice refuses or neglects to take the same, such neglect or refusal shall be entered in the official log-book in the manner provided by the 281st Section of the Principal Act, and shall be signed by the master and by the mate or some other of the crew, and also by the surgeon or medical practitioner on board, if any :

And if in any such ship as aforesaid such medicines, medical stores, book of instructions, lime or lemon juice, sugar, or anti-scorbutics as are hereinbefore required are not provided, packed, and kept on board as hereinbefore required, the owner or master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding 20*l.*, unless he can prove that the non-compliance with the above provisions, or any of them, was not caused through any inattention, neglect, or wilful default on his part ; and if the lime or lemon juice and sugar or other anti-scorbutics are not served out in the case and manner hereinbefore directed, or if entry is not made in the official log in the case and manner hereinbefore required, the master shall be deemed to be in fault, and shall for each default incur a penalty not exceeding 5*l.*, unless he can prove that the non-compliance with the above provisions, or any of them, did not arise through any neglect, omission, or wilful default on his part ; and if in any case it is proved that some person other than the master or owner is in default in any case under this section, then such other person shall be liable to a penalty not exceeding 20*l.*

5. Any person who manufactures, sells, or keeps, or offers for sale any such medicines or medical stores as aforesaid which are of bad quality, shall for each such offence incur a penalty not exceeding 20*l.*

6. In any British possession out of the United Kingdom the Governor or officer administering the Government for the time being shall, subject to the laws of such possession, have power to make regulations concerning the supply within such possession of lime or lemon juice and anti-scorbutics for the use of ships ; and any lime or lemon juice or anti-scorbutics duly supplied in accordance with any such regulations shall be deemed to be fit and proper for the use of ships.

7. Whenever it is shown that any seaman or apprentice who

is ill has, through the neglect of the master or owner, not been provided with proper food and water according to his agreement, or with such accommodation, medicines, medical stores, or anti-scorbutics as are required by the Principal Act or by this Act, then, unless it can be shown that the illness has been produced by other causes, the owner or master shall be liable to pay all expenses properly and necessarily incurred by reason of such illness (not exceeding in the whole 3 months' wages), either by such seaman himself, or by Her Majesty's Government, or any officer of Her Majesty's Government, or by any parochial or other local authority on his behalf, and such expenses may be recovered in the same way as if they were wages duly earned: Provided that this enactment shall not operate so as to affect any further liability of any such owner or master for such neglect, or any remedy which any seaman already possesses.

8. Where a seaman is by reason of illness incapable of performing his duty, and it is proved that such illness has been caused by his own wilful act or default, he shall not be entitled to wages for the time during which he is by reason of such illness incapable of performing his duty.

9. The following rules shall be observed with respect to accommodation on board British ships; (that is to say):—

(1.) Every place in any ship occupied by seamen or apprentices, and appropriated to their use, shall have for every such seaman or apprentice a space of not less than 72 cubic feet, and of not less than 12 superficial feet, measured on the deck or floor of such place:

(2.) Every such place shall be such as to make the space aforesaid available for the proper accommodation of the men who are to occupy it, shall be securely constructed, properly lighted and ventilated, properly protected from weather and sea, and as far as practicable properly shut off and protected from effluvium which may be caused by cargo or bilge water:

(3.) No such place as aforesaid shall be deemed to be such as to authorize a deduction from registered tonnage, under the provisions hereinafter contained, unless there is or are in the ship one or more properly constructed privy or privies for the use of the crew; such privy or privies to be of such number and of such construction as may be approved by the surveyor hereinafter mentioned:

(4.) Every such place shall, whenever the ship is registered or re-registered, be inspected by one of the surveyors appointed by the Board of Trade under Part IV of the Principal Act, who shall, if satisfied that the same is in all respects such as is required by this Act, give to the Collector of Customs a certificate to that effect,

and thereupon such space shall be deducted from the register tonnage :

(5.) No such deduction from tonnage as aforesaid shall be authorized unless there is permanently cut in a beam, and cut in or painted on or over the doorway or hatchway of every such place, the number of men which it is constructed to accommodate, with the words, " Certified to accommodate seamen " :

(6.) Every such place shall be kept free from stores or goods of any kind, not being the personal property of the crew in use during the voyage :

(7.) Upon any complaint concerning any such place as aforesaid, one of the surveyors appointed by the Board of Trade may inspect such place, and if he finds that any of the provisions of this Act with respect to the same are not complied with, he shall report the same to the Collector of Customs at the port where the ship is registered, and thereupon the registered tonnage shall be altered, and the deduction aforesaid in respect of space disallowed, unless and until it shall be certified by such surveyor, or by some other surveyor appointed by the Board of Trade, that the provisions of the Act in respect of such place are fully complied with :

(8.) If any such place in any ship is not kept free from goods and stores as aforesaid, the master shall be deemed to be in fault, and shall for every such failure to comply with the provisions of this section, forfeit and pay to each seaman lodged in such place the sum of 1s. a day for each day after complaint made to him by any two or more of such seamen during which any goods or stores, not being the personal property of the crew, are stored or kept therein :

(9.) If in any other respect the provisions of this section are not observed with respect to any such place in any ship, the owner shall be deemed to be in fault, and shall for every failure to comply with the provisions of this section incur a penalty not exceeding 20*l*.

10. The following rules shall be observed with respect to the medical inspection of seamen, that is to say :—

(1.) At any port where there is a Local Marine Board, the Local Marine Board, and at other ports in the United Kingdom the Board of Trade, may appoint a medical inspector of seamen :

(2.) Such medical inspector of seamen shall, on application by the owner or master of any ship, examine any seaman applying for employment in such ship, and shall give to the Superintendent of the Mercantile Marine Office a report under his hand, stating whether such seaman is in a fit state for duty at sea, and a copy of such report shall be given to the master or owner of the ship :

(3.) The master or owner applying for such inspection shall pay to the Superintendent such fees as the Board of Trade direct, and

such fees shall be paid into and form part of the Mercantile Marine Fund :

(4.) The said medical inspectors shall be remunerated for their services as the Board of Trade may direct, and such remuneration shall be paid out of the Mercantile Marine Fund :

(5.) In British Possessions out of the United Kingdom, the Governor or other officer administering the Government for the time being shall have the power of appointing medical inspectors of seamen, of charging fees for inspections, when applied for, and of determining the remuneration to be paid to such inspectors.

11. If any British subject commits any crime or offence on board any British ship, or on board any foreign ship to which he does not belong, any Court of Justice in Her Majesty's dominions, which would have had cognizance of such crime or offence if committed on board a British ship within the limits of the ordinary jurisdiction of such Court, shall have jurisdiction to hear and determine the case as if the said crime or offence had been committed as last aforesaid.

12. The harbour master for the time being of the harbour of Holyhead, in the event of its seeming meet to Her Majesty to assign to him Her Majesty's Commission to act as a Justice of the Peace within the limits within which he is empowered to act in harbour matters, shall, during the continuance of such assignment and of his tenure of the office of harbour master, execute within such limits the duties of a Justice of the Peace, notwithstanding he may not be qualified by estate to be a Justice of the Peace for a county, and shall have within such limits the same power and jurisdiction as a stipendiary magistrate has by Act of Parliament when sitting at a Police Court or other place appointed in that behalf.

ACT of the British Parliament, to amend the Merchant Shipping Acts.

[34 & 35 Vict., cap. 110.]

—

[August 21, 1871.]

WHEREAS it is expedient to amend the Merchant Shipping Acts :

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. This Act may be cited as “The Merchant Shipping Act, 1871.”

2. This Act shall be construed as one with "The Merchant Shipping Act, 1854,"* and the Acts amending the same, and the said Act and this Act may be cited collectively as "The Merchant Shipping Acts, 1854 to 1871."

3. This Act shall come into operation on the 1st day of January, 1872.

Registry (Part II of "Merchant Shipping Act, 1854").

4.†

5. The Board of Trade may, in any case or class of cases in which they think it expedient so to do, direct any person appointed by them for the purpose to record, in such manner and with such particulars as the Board of Trade direct, the draught of water of any sea-going ship, as shown on the scale of feet on her stem and on her stern-post, upon her leaving any dock wharf, port, or harbour for the purpose of proceeding to sea; and such person shall thereupon keep such record, and shall from time to time forward the same, or a copy thereof, to the Board of Trade; and such record, or any copy thereof, if produced by or out of the custody of the Board of Trade, shall be admissible in evidence of the draught of water of the ship at the time specified in the record.

The master of every British sea-going ship shall, upon her leaving any dock, wharf, port, or harbour for the purpose of proceeding to sea, record her draught of water in the official log-book (if any), and shall produce such record to any principal officer of Customs whenever required by him so to do, or in default of such production shall incur a penalty not exceeding 20*l*.

6. With respect to the names of British ships, the following rules shall be observed:

(1.) A ship shall not be described by any name other than that by which she is for the time being registered:

(2.) No change shall be made in the name of a ship without the previous permission of the Board of Trade signified in writing under their seal, or under the hand of one of their Secretaries or Assistant Secretaries. Upon such permission being granted, the ship's name shall forthwith be altered in the register book, in the ship's certificate of registry, and on her bows and stern.

(3.) If in any case it is shown to the satisfaction of the Board of Trade that the name of any ship has been changed without such permission as aforesaid, they shall direct that her name be altered into that which she bore before such change, and the name shall be altered in the register book, in the ship's certificate of registry, and on her bows and stern accordingly.

* Vol. XLV. Page 1347.

† Repealed by Act 36 & 37 Vict., c. 85. Vol. LXV. Page 594.

(4.) Where a ship having once been registered has ceased to be so registered, no person, unless ignorant of such previous registry (proof whereof shall lie on him), shall apply to register, and no registrar shall knowingly register such ship, except by the name by which she was previously registered, unless with the permission of the Board of Trade granted as aforesaid :

Every person who acts or suffers any person under his control to act in contravention of this section, or who omits to do, or suffers any person under his control to omit to do, anything required by this section, shall for each offence incur a penalty not exceeding 100*l.*, and any principal officer of Customs may detain the ship until the provisions of this section are complied with.

Application for a change of name shall be made in writing to the Board of Trade. If the Board are of opinion that the application is made on reasonable grounds they may entertain the same, and shall thereupon require notice thereof to be published in such form and manner as they think fit.

Masters and Seamen (Part III of "Merchant Shipping Act, 1854").

7. Whenever in any proceeding against any seaman or apprentice belonging to any ship for desertion, or for neglecting or refusing to join or to proceed to sea in his ship, or for being absent from or quitting the same without leave, it is alleged by one-fourth of the seamen belonging to such ship, or, if the number of such seamen exceed 20, by not less than 5 such seamen, that such ship is by reason of unseaworthiness, overloading, improper loading, defective equipment, or for any other reason, not in a fit condition to proceed to sea, or that the accommodation in such ship is insufficient, the Court having cognizance of the case shall take such means as may be in their power to satisfy themselves concerning the truth or untruth of such allegation, and shall for that purpose receive the evidence of the person or persons making the same, and shall have power to summon any other witnesses whose evidence they may think it desirable to hear; the Court shall thereupon, if satisfied that the allegation is groundless, proceed to adjudicate, but if not so satisfied shall cause such ship to be surveyed.

Provided that no seaman or apprentice charged with desertion, or with quitting his ship without leave, shall have any right to apply for a survey under this section unless previously to his quitting his ship he has complained to the master of the circumstances so alleged in justification.

For the purposes of this section, the Court shall require any of the surveyors appointed by the Board of Trade, under "The Merchant Shipping Act, 1854," or any person appointed for the purpose by the Board of Trade, or, if such surveyor or person cannot be

obtained without unreasonable expense or delay, or is not, in the opinion of the Court, competent to deal with the special circumstances of the case, then any other impartial surveyor appointed by the Court, and having no interest in the ship, her freight, or cargo, to survey the ship, and to answer any question concerning her which the Court may think fit to put. Such surveyor or other person shall survey the ship, and make his report in writing to the Court, including an answer to every question put to him by the Court. The Court shall cause such report to be communicated to the parties, and unless it is proved to the satisfaction of the Court that the opinions expressed in such report are erroneous, the Court shall determine the questions before them in accordance with those opinions.

For the purposes of such survey, a surveyor shall have all the powers of an inspector appointed by the Board of Trade, under "The Merchant Shipping Act, 1854."

The costs (if any) of the survey shall be determined by the Board of Trade according to a scale of fees to be fixed by them, and shall be paid in the first instance out of the Mercantile Marine Fund.

If it is proved, to the satisfaction of the Court, that the ship is in a fit condition to proceed to sea, or, as the case may be, that the accommodation is sufficient, the costs of the survey shall be paid by the person or persons upon whose demand, or in consequence of whose allegation, the survey was made, and may be deducted by the master or owner out of the wages due or to become due to such person or persons, and shall be paid over to the Board of Trade.

If it is proved that the ship is not in a fit condition to proceed to sea, or, as the case may be, that the accommodation is insufficient, the costs of the survey shall be paid to the Board of Trade by the master or owner.

8. Any Naval Court may, if they think fit, direct a survey of any ship which is the subject of an investigation held before them, and such survey shall be made in the same way, and the surveyor who makes the same shall have the same powers, as if the survey had been directed by a competent court in the course of proceedings against a seaman or apprentice for desertion or a kindred offence.

Safety (Part IV of "Merchant Shipping Act, 1854").

9.*

10.*

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12. On and after the 1st day of January, 1872, the 25th and

* Repealed by Act 36 & 37 Vict., c. 85. Vol. LXV. Page 594.

† Repealed by Act 39 & 40 Vict., c. 80.

34th Sections of "The Merchant Shipping Act, 1854," and the 13th Section of "The Merchant Shipping Act Amendment Act, 1855,"* shall be repealed.

ACT of the British Parliament, to amend the Merchant Shipping Acts and the Passenger Acts.

[35 & 36 Vict., cap. 73.]

—

[August 10, 1872.]

WHEREAS it is expedient to amend the Merchant Shipping Acts and the Passenger Acts:

Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as "The Merchant Shipping Act, 1872."
2. This Act shall come into operation on the 1st day of January, 1873.

Measurement of Ships.

3. The 23rd, 27th, 28th, and 29th Sections of "The Merchant Shipping Act, 1854,† the 14th Section of "The Merchant Shipping Act Amendment Act, 1855,"* and the 4th Section of "The Merchant Shipping Act, 1871,"‡ shall be read and construed as if the Board of Trade were therein named instead of the Commissioners of Customs.

Registry.

4. The 46th, 54th, 92nd, and 94th Sections of "The Merchant Shipping Act, 1854," shall be read and construed as if the Registrar-General of Seamen were therein named instead of the Commissioners of Customs, and the returns required to be transmitted by the said 94th Section of "The Merchant Shipping Act, 1854," shall be transmitted to the Registrar-General of Seamen, and not to the Custom-house in London, and the Registrar-General of Seamen shall be called the Registrar-General of Shipping and Seamen.

Passenger Ships.

5. The 6th and 7th Sections of "The Passengers Act, 1855,"§ except so much of the latter section as provides for the immunity of emigration officers, shall be repealed, and all powers and duties vested in or imposed on the Emigration Commissioners by "The

* Page 676.

† Vol. XLV. Page 1347.

‡ Page 716.

§ 18 & 19 Vict., c. 119.

Passengers Act, 1855," and "The Passengers Act Amendment Act, 1863,"* shall be transferred to and imposed on the Board of Trade.

In the construction and for the purposes of the said Acts, the name of the Board of Trade shall be deemed to be substituted for the name of the Emigration Commissioners, and anything which might, if this Act had not passed, have been done by the Emigration Commissioners, whether acting independently or under the sanction or authority of one of Her Majesty's Principal Secretaries of State, may be done by the Board of Trade independently of such sanction or authority.

6. The provisions contained in the 83rd Section of "The Passengers Act, 1855," shall extend to any forms of application or other papers issued by or under the authority of one of Her Majesty's Principal Secretaries of State, for the use of persons desirous of emigrating by his assistance, and to any certificate, document, or statement adduced in support of any application to such Secretary for such assistance.

7. The powers conferred by the 13th Section of "The Passengers Act Amendment Act, 1863," on one of Her Majesty's Principal Secretaries of State, shall be transferred to the Board of Trade.

Annual Survey of Passenger Steamers.

8. The 304th Section of "The Merchant Shipping Act, 1854," shall be repealed, and every passenger steamer shall be surveyed once at the least in every year in the manner mentioned in the fourth part of that Act. The fees to be charged for certificates issued in respect of such survey shall not exceed for a yearly certificate twice the sum named in the Table marked T in the Schedule to the said Act as chargeable for a 6 months' certificate.

Pilotage.

9. Notwithstanding anything in the 358th Section of "The Merchant Shipping Act, 1854," the Trinity House may, by bye-law made with the sanction of Her Majesty in Council, repeal or relax the provisions of that section within the whole or any part of their district, so far as to allow any pilot or class of pilots under their jurisdiction to demand or receive, and any master to offer or pay, any rate less than the rate for the time being demandable by law.

10. Whereas in pursuance of "The Pilotage Law Amendment Act, 1853,"† the several funds then belonging to the Cinque Ports pilots were merged into the common fund called the "Trinity House Pilotage Fund," and by the same Act power was given to the Trinity House of Deptford Strond, with the approval of the Board of Trade, from time to time to make regulations for altering and determining the payments and contributions to be made to the said pilotage

* 26 & 27 Vict., c. 51.

† 16 & 17 Vict., c. 129.

fund by Cinque Ports pilots licensed before the said Act came into operation : And whereas by one of the regulations made under the authority of the said Act it was provided that each of the said Cinque Ports pilots should pay towards the said fund 11s. for each turn : And whereas it has proved that the turns have been more numerous than was expected, and that the sums paid to the Trinity House, and carried to the credit of the said fund, in respect of the said turns, have been larger than was assumed in making the calculations upon which the said regulation was based : And whereas it is expedient that in lieu of the said sum of 11s. per turn the fixed annual sum of 13*l.* 4*s.* should for the future be paid by or in respect of each of the said pilots so long as he remains unsuperannuated, and that the excess of the sum heretofore paid in each year by each pilot over the sum of 13*l.* 4*s.* should be returned : And whereas doubts have been entertained whether the purposes aforesaid can be effected without the authority of Parliament : Be it enacted, that the Trinity House of Depford Strond shall, out of the Trinity House Pilotage Fund, repay to each of the Cinque Ports pilots licensed before “The Pilotage Law Amendment Act, 1853,” came into operation, or if he be deceased, to his executors or administrators, the aggregate sum by which the sum of 11s. per turn heretofore paid by him exceeds the sum which he would have paid if he had paid 13*l.* 4*s.* per annum ; and that each of the said pilots shall, while he continues to act as a pilot, pay to the said Trinity House the sum of 11s. per turn as heretofore, from the 1st day of January in each year, until the sums contributed in the same year amount to an aggregate sum equal to the product of 13*l.* 4*s.* multiplied by the number of pilots, licensed as above, who are then surviving and unsuperannuated, and that when such aggregate sum is made up no further contributions shall be required from the said pilots until after the 31st day of December in the same year ; and if the said contributions during any one year fall short of the said aggregate sum, the said pilots then surviving and unsuperannuated shall, at such time and in such manner as the Trinity House may direct, make good such deficiency by payment of an additional contribution per man, to be calculated *pro ratâ* upon the number of turns which each may have carried during the said year, and any such pilot failing to pay such additional contribution shall, in default of such payment, become liable to immediate removal from active service and superannuation upon such proportion of the full pension payable to such pilot as the Trinity House may see fit.

11.* [Any pilotage authority may, if authorized in that behalf by Order in Council, grant special licences qualifying the persons to whom they are granted to act as pilots for any part of the sea or

* Repealed by Act 39 & 40 Vict., c. 80.

channels beyond the limits of any pilotage authority, so, however, that no pilot so licensed be entitled to supersede an unlicensed pilot outside the limits of the authority by which he is licensed.]

Chain Cables.

12.* [In the event of a licence for the testing of chain cables and anchors being granted to the Trinity House under "The Chain Cable and Anchor Act, 1871," all fees and other sums received by the Trinity House in respect of such testing shall be carried to the Mercantile Marine Fund, and all expenses incurred by the Trinity House in respect of such testing shall be chargeable on the Mercantile Marine Fund.]

General.

13. All duties in relation to the survey and measurement of ships under this Act or the Acts amended hereby shall be performed by the surveyors appointed under Part IV of "The Merchant Shipping Act, 1854," in accordance with such regulations as may be from time to time made by the Board of Trade.

14. All fees payable in respect of the survey or measurement of ships under this Act or the Acts amended hereby, or in respect of any services performed by any person employed under the authority of "The Passengers Act, 1855," shall be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade may from time to time direct, and shall be carried to the Mercantile Marine Fund; and the salaries of surveyors, and other expenses connected with the survey and measurement of ships under this Act or the Acts amended hereby, and also so much of the salaries and expenses of persons employed under the authority of "The Passengers Act, 1855," as has heretofore been paid by fees, shall be paid out of the Mercantile Marine Fund.

15. If any surveyor, or any person employed under the authority of "The Passengers Act, 1855," demands or receives directly or indirectly, otherwise than by the direction of the Board of Trade, any fee, remuneration, or gratuity whatever in respect of any of the duties performed by him under this Act or the Acts amended hereby, he shall for every such offence incur a penalty not exceeding 50%.

16. The owner of home trade ships or his agent may enter into time agreements, in forms to be sanctioned by the Board of Trade, with individual seamen to serve in any one or more ships belonging to him, which agreements need not expire on either the 30th day of June or the 31st day of December, anything in the Merchant Shipping Act to the contrary notwithstanding: Provided always, that a duplicate of each agreement entered into under the provisions

* Repealed by Act 37 & 38 Vict., c. 51.

of the section be forwarded to the Registrar-General of Shipping within 48 hours after it has been entered into.

17. It shall be lawful for Her Majesty to accept from time to time the offers of any person whom the Lord High Admiral or the Commissioners for executing his office may recommend, to serve as officers of reserve in the Royal Navy, upon such terms and conditions as to Her Majesty may from time to time seem fit, and the "Officers of the Royal Naval Reserve Act, 1863," shall be read and construed as if this clause formed part of the said Act.

LOI de la République Française, relative à la Réforme Judiciaire en Égypte.—Versailles, le 17 Décembre, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :

ARTICLE UNIQUE. Le Gouvernement est autorisé à restreindre provisoirement, dans les limites et sous les conditions déterminées par les 3 documents annexés à la présente Loi, et pour une période qui ne pourra excéder 5 ans, la juridiction exercée par les Consuls Français en Égypte.

Délibéré en séance publique, à Versailles, le 17 Décembre, 1875.*

DUC D'AUDIFFRET-PASQUIER, *Président.*

LOUIS DE SÉGUR, E. DE CAZENOVE DE
PRADINE, FÉLIX VOISIN, T. DUCHÂTEL,
ÉTIENNE LAMY, *Secrétaires.*

Le Président de la République promulgue la présente Loi.

MAL. DE MACMAHON, DUC DE MAGENTA.

DECAZES, *Ministre des Affaires Étrangères.*

(1.)—*Procès-Verbal du 10 Novembre, 1874.*

[See page 108.]

(2.)—*Règlement d'Organisation Judiciaire pour les Procès Mixtes en Égypte. (Annexe au Procès-Verbal du 10 Novembre, 1874.)*

[See page 593.]

(3.)—*Déclaration relative à l'Interprétation de l'Article XI du Procès-Verbal du 10 Novembre, 1874.—Signée au Caire, le 15 Novembre, 1875.*

LE Consul gérant l'Agence et Consulat-Général de France en Égypte, dans le but de constater le sens exact attribué par son Gouvernement à l'Article XI du Projet d'Organisation Judiciaire,

* Promulguée au "Journal Officiel" du 25 Décembre, 1875.

afin d'affirmer en même temps et de nouveau certains principes essentiels dont celui-ci n'entend pas se dessaisir, a l'honneur de remettre la présente note à Son Excellence Nubar Pacha, Ministre des Affaires Étrangères et du Commerce de Son Altesse le Khédive :

1. L'Article XI du Règlement relatif à la compétence des tribunaux nouveaux en matière administrative ayant donné lieu à des interprétations divergentes et pouvant, s'il n'était exactement défini, devenir une source de difficultés entre Son Altesse le Khédive et les étrangers, le Gouvernement Français croit de son devoir de s'expliquer sur les limites dans lesquelles les effets de cette disposition doivent, suivant lui, demeurer circonscrits. Dans sa pensée, la juridiction des nouveaux tribunaux ne saurait s'étendre jusqu'à leur conférer la faculté de consacrer la légalité des taxes, contributions ou impôts qu'il pourrait convenir à l'administration Égyptienne d'établir. La nouvelle magistrature serait donc sans droit pour sanctionner par des arrêts toute mesure fiscale qui serait contestée par la voie diplomatique, et l'action des Gouvernements étrangers ou de leurs Agences et Consulats pourra toujours s'interposer pour obtenir la cessation ou la réparation d'actes contraires soit aux stipulations des Traités, soit aux prescriptions du droit des gens dont leurs nationaux auraient à souffrir de la part du Gouvernement Égyptien ou de ses agents. Le Gouvernement Français fait, à cet égard, les réserves les plus formelles et se refusera à accepter pour ses nationaux la juridiction et la compétence des nouveaux tribunaux dans les cas ci-dessus spécifiés.

2. Les Consuls-Généraux et Consuls de France, et tous agents investis par la loi Française du pouvoir de rendre la justice en Égypte, continueront d'exercer la même juridiction que par le passé, hors les cas expressément déterminés par la nouvelle organisation judiciaire à instituer.

3. Les Capitulations, telles qu'elles ont été appliquées jusqu'ici en Égypte, demeurent la loi absolue des rapports entre le Gouvernement Égyptien et les étrangers, à l'exception des dérogations partielles et explicites formellement consenties à titre d'essai par le Gouvernement Français, et qui portent principalement sur les usages particuliers à l'Égypte. Au cas où, conformément aux prévisions du deuxième paragraphe de l'Article XL du Règlement Organique, les Puissances jugeraient qu'il y a lieu de retirer leur approbation au nouvel ordre de choses, il demeure entendu, en ce qui nous touche, que le régime actuel, n'étant que temporairement suspendu, reprendrait son caractère obligatoire, et que la juridiction des Consuls, telle qu'elle s'exerce aujourd'hui, revivrait dans sa plénitude, sauf Conventions contraires à débattre ultérieurement.

4. Soit que le Gouvernement Égyptien ne remplisse pas les conditions stipulées, soit que le résultat de l'expérience ne soit pas

satisfaisant, ou que la protection que les Consuls ont le droit et le devoir d'exercer dans l'intérêt de la sécurité de leurs nationaux devienne inefficace et impuissante, le Gouvernement Français se réserve, ainsi que l'a fait la Cour de Russie, d'aviser immédiatement ou même de revenir au régime actuel sans attendre l'expiration de la période quinquennale d'essai.

M. Pellissier de Reynaud saisit cette occasion de renouveler à Son Excellence Nubar Pacha l'assurance de ses sentiments de haute considération avec lesquels, &c.

HADJOUTE PELLISSIER.

Le Caire, le 15 Novembre, 1875.

PORTUGUESE DECREE, declaring the Freedom of Libertos in the Province of Cape de Verde.—Lisbon, October 31, 1874.

(Translation.)

WHEREAS a memorial has been laid before me on the part of the Board for the protection of the freedmen (libertos) in the Province of Cape de Verde, petitioning that the complete emancipation of the freedmen (libertos) existing in that province should be decreed at once; and

Whereas the measure petitioned for, which anticipates what the law ordains should take place in 1878, is worthy of special attention, not only because it does away altogether, and immediately, with the last vestiges of slavery, but also because it bears witness to the state of civilization and to the humane tendencies of the inhabitants of that province, who are fully disposed to accept the consequences of the immediate abolition of the state of freedmen (libertos);

And whereas no disturbance is to be apprehended in the present condition of the public life of that province from their immediate emancipation, as shown by the reports and data furnished by the aforesaid Board, by the respective Governor-General, and by the Committee appointed by him for the purpose of drawing up a draft of the regulations to which the freedmen (libertos) were to be subject after their emancipation—a task which the Committee unanimously pronounced to be unnecessary;

Availing myself of the authority accorded to my Government in virtue of Article XV, Section 1, of the Additional Act to the Constitutional Charter of the kingdom:

After having heard the opinion of the Consultative Board for the Colonies and the Council of Ministers;

I am pleased to decree as follows:—

ART. I. All the freedmen (libertos) existing in the Province of Cape de Verde are declared free.

II. All legislation to the contrary is hereby revoked.

The Minister and Secretary of State for Foreign Affairs, and, *ad interim*, for the Navy and Colonies, shall accordingly cause this Decree to be carried into effect.

At the Palace, October 31, 1874.

THE KING.

JOÃO DE ANDRADE CORVO.

LAW of the Netherlands, relative to the Abolition of Light, Beacon, and Tonnage Dues, and to the Measurement of Ships.—June 3, 1875.

(Translation.)

WE, William III, by the grace of God King of the Netherlands, Prince of Orange-Nassau, Grand Duke of Luxemburg, &c., unto all who shall see or hear read these presents greeting, take notice :

Whereas we have taken into consideration that it is desirable to abolish the light, buoy, and beacon dues, and to regulate anew the measuring of sea-ships ;

Having regard to the Laws of August 13, 1849 (Statute No. 40), and July 14, 1855 (Statute No. 105) ;

Now therefore we, having heard the Council of State, and with the advice of the States-General, have concluded and enacted, as we do conclude and enact by these presents :

ART. I. Light, beacon, and tonnage dues which are raised in accordance with the Law of August 13, 1849, are abolished.

No charge is made for the placing of buoys, lights, or beacons in navigable waters, as referred to in that Law, except in the following cases :—

(a.) Light dues charged at particular places for the lighting of harbour lights, not in the interest of the general navigation of the channel, but for the purpose of facilitating the approach to those places ;

(b.) Beacon dues for the placing of beacons in creeks and small channels leading to particular places, and exclusively for the purpose of facilitating the approach to those places.

II. The proprietors, shipowners, or masters of sea-ships, who are bound by the Law of May 28, 1869, to be provided with an ordinary Netherland certificate, are required to have their ships

measured by officials appointed for that purpose, at the place where the ship is stationed, whenever it is thought necessary.

III. The unit of the ship's measurement is the cubic mètre.

The certificate of measurement to be handed over to the master shall state the capacity of the ship, both in that unit and in register tons of 2·83 cubic mètres. A general measure of internal administration shall further regulate the measurement of the ships in accordance with the Moorsom system, and fixes the time at which the provisions of this Article shall come into operation.

IV. To commence at the time appointed, according to the latter part of the previous Article, the Consular fees, for the calculation of which the ton at $1\frac{1}{2}$ of the cube of the mètre has hitherto served as basis, shall be raised according to the scale of one cubic mètre. The tariff of those fees shall be modified by a general measure of internal administration in such a manner that they shall not be increased by the change of the unit and mode of measurement.

V. Foreign vessels shall be measured in the same manner as Netherland ships, on their first arrival in Holland. If those vessels are provided with a foreign certificate of measurement, given to them by a competent authority, their capacity can be calculated according to Dutch measurement. The declaration respecting this calculation is to take the place of the certificate of measurement, according to Articles VII and VIII of the Law of July 14, 1855. The calculation is further to be determined by a general measure of internal administration.

VI. Vessels belonging to countries in which the same system of measurement exists as in the Netherlands, may be exempted from measurement in this country, on condition of reciprocity and the further necessary provisions.

VII. Articles II, III, and IV of the above-mentioned Law of July 14, 1855, are revoked. The last sentence of Article II shall, however, remain in force up to the time to be determined according to the latter part of Article II of this Law.

VIII. This Law shall come into operation on July 1, 1875.

We direct and command that these presents shall be inserted in the "State Journal," and that all ministerial departments, authorities, boards, and functionaries whom it may concern, shall attend to the exact fulfilment thereof.

Given at the Loo, June 3, 1875.

WILLIAM.

H. J. VAN DER HEIM, *Minister of Finance*.

SPANISH LAW, abrogating the Royal Decree of May 19, 1861, under which the Territory of the Dominican Republic was declared to be reincorporated into the Monarchy.—Madrid, May 1, 1865.*

(Translation.)

ISABELLA II, by the grace of God and by the Constitution Queen of Spain, to all to whom these presents shall come, be it known that the Cortes have decreed, and we have sanctioned the following Law:—

ART. I. The Royal Decree of May 19, 1861, by which it was declared that the Dominican Republic was re-incorporated into the Monarchy is abrogated.

II. The Government of Her Majesty is authorized to dictate the measures which may best conduce to the execution of this Law, and for the protection and security to be afforded to the persons and interests of the Dominicans who have remained loyal to the Spanish cause, giving an account of all such measures to the Cortes in due season.

We accordingly order the tribunals, courts, chiefs, governors, and other authorities, whether civil or military, or ecclesiastical, of whatsoever rank or dignity, to keep, and require to be kept, comply with, and execute the present Law in all its provisions.

The Palace, May 1, 1865.

THE QUEEN.

RAMON MARIA NARVAEZ, *President of the Council of Ministers.*

LOI de la Belgique, sur les Extraditions.—Bruxelles, le 15 Mars, 1874.

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.

Les Chambres ont adopté et nous sanctionnons ce qui suit :

ART. I. Le Gouvernement pourra livrer aux Gouvernements des pays étrangers, à charge de réciprocité, tout étranger poursuivi, ou mis en prévention ou en accusation, ou condamné, par les tribunaux des dits pays, comme auteur ou complice, pour l'un des faits ci-après énumérés, qui auraient été commis sur leur territoire:—

1. Pour assassinat, empoisonnement, parricide, infanticide, meurtre, viol ;

2. Pour incendie ;

3. Pour contrefaçon ou falsification d'effets publics ou de billets de banque, de titres publics ou privés, émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés, faux en écriture ou dans les dépêches télégraphiques et usage de ces dépêches, effets, billets ou titres contrefaits, fabriqués ou falsifiés ;

4. Pour fausse monnaie comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée, ainsi que les fraudes dans le choix des échantillons pour la vérification du titre et du poids des monnaies ;

5. Pour faux témoignage et fausses déclarations d'experts ou d'interprètes ;

6. Pour vol, escroquerie, concussion, détournements commis par des fonctionnaires publics ;

7. Pour banqueroute frauduleuse et fraudes commises dans les faillites ;

8. Pour association de malfaiteurs ;

9. Pour menaces d'attentat contre les personnes ou les propriétés, punissable de la peine de mort, des travaux forcés ou de la reclusion ;

10. Pour avortement ;

11. Pour bigamie ;

12. Pour attentats à la liberté individuelle et à l'inviolabilité du domicile, commis par des particuliers ;

13. Pour enlèvement, recel, suppression, substitution ou supposition d'enfant ;

14. Pour exposition ou délaissement d'enfant ;

15. Pour enlèvement de mineurs ;

16. Pour attentat à la pudeur commis avec violence ;

17. Pour attentat à la pudeur commis sans violence sur la personne ou à l'aide de la personne de l'enfant de l'un ou de l'autre sexe âgé de moins de 14 ans ;

18. Pour attentat aux mœurs en excitant, facilitant ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption de mineurs de l'un ou de l'autre sexe ;

19. Pour coups portés ou blessures faites volontairement, avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte de l'usage absolu d'un organe, une mutilation grave ou la mort sans l'intention de la donner ;

20. Pour abus de confiance et tromperie ;

21. Pour subornation de témoins, d'experts ou d'interprètes ;

22. Pour faux serment ;

23. Pour contrefaçon ou falsification de sceaux, timbres, poinçons et marques, usage de sceaux, timbres, poinçons et marques contre-

faits ou falsifiés et usage préjudiciable de vrais sceaux, timbres, poinçons et marques ;

24. Pour corruption de fonctionnaires publics ;

25. Pour destruction de constructions, machines à vapeur ou appareils télégraphiques, destruction ou dégradation de tombeaux, monuments, objets d'art, documents ou autres papiers, destruction ou détériorations de denrées, marchandises ou autres propriétés mobilières, et opposition à l'exécution de travaux publics ;

26. Pour destruction et dévastation de récoltes, plantes, arbres ou greffes ;

27. Pour destruction d'instruments d'agriculture, destruction ou empoisonnement de bestiaux ou autres animaux ;

28. Pour abandon par le capitaine, hors les cas prévus par la loi, d'un navire ou d'un bâtiment de commerce ou de pêche ;

29. Pour échouement, perte, destruction par le capitaine ou les officiers et gens de l'équipage, détournement, par le capitaine, d'un navire ou d'un bâtiment de commerce ou de pêche, jet ou destruction sans nécessité de tout ou partie du chargement, des vivres ou des effets du bord, fausse route, emprunt sans nécessité sur le corps, avictuaillement ou équipement du navire, ou mise en gage ou vente des marchandises ou victuailles, ou emploi dans les comptes d'avaries ou de dépenses supposées, vente du navire sans pouvoir spécial hors le cas d'innavigabilité, déchargement de marchandises sans rapport préalable, hors le cas de péril imminent, vol commis à bord, altération de vivres ou de marchandises commise à bord par le mélange de substance malfaisantes, attaque ou résistance avec violences et voies de fait envers le capitaine par plus du tiers de l'équipage, refus d'obéir aux ordres du capitaine ou officier du bord, pour le salut du navire ou de la cargaison, avec coups et blessures ; complot contre la sûreté, la liberté ou l'autorité du capitaine, prise du navire par les marins ou passagers par fraude ou violence envers le capitaine ;

30. Pour recèlement des objets obtenus à l'aide d'un des crimes ou délits prévus par la présente Loi.

Est comprise dans les qualifications précédentes, la tentative, lorsqu'elle est punissable en vertu des lois pénales.

II. Néanmoins, lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire de la partie requérante, le Gouvernement pourra livrer, à charge de réciprocité, l'étranger poursuivi ou condamné, dans les cas où la Loi Belge autorise la poursuite des mêmes infractions commises hors du royaume.

III. L'extradition sera accordée sur la production soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la Chambre du Conseil, de l'arrêt de la Chambre des Mises en Accusation ou de l'acte de procédure criminelle, émané du juge compétent,

décétant formellement ou opérant de plein droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive délivré en original ou en expédition authentique.

Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre acte ayant la même force, décerné par l'autorité étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils sont délivrés et qu'ils soient rendus exécutoires par la Chambre du Conseil du Tribunal de Première Instance du lieu de la résidence de l'étranger en Belgique ou du lieu où il pourra être trouvé.

Aussitôt que l'étranger aura été écroué en exécution de l'un des actes ci-dessus mentionnés, qui lui sera dûment signifié, le Gouvernement prendra l'avis de la Chambre des Mises en Accusation de la Cour d'Appel dans le ressort de laquelle l'étranger aura été arrêté.

L'audience sera publique, à moins que l'étranger ne réclame le huis clos.

Le ministère public et l'étranger seront entendus. Celui-ci pourra se faire assister d'un conseil.

Dans la quinzaine, à dater de la réception des pièces, elles seront renvoyées, avec l'avis motivé, au Ministre de la Justice.

IV. L'extradition par voie de transit sur le territoire Belge pourra néanmoins être accordée sans avoir pris l'avis de la Chambre des Mises en Accusation, sur la simple production, en original ou en expédition authentique, d'un des actes de procédure mentionnés en l'Article précédent lorsqu'elle aura été requise au profit d'un État étranger lié avec la Belgique par un Traité comprenant l'infraction qui donne lieu à la demande d'extradition et lorsqu'elle ne sera pas interdite par l'Article VI de la Loi du 1^{er} Octobre, 1833,* et l'Article VII de la présente Loi.

V. En cas d'urgence, l'étranger pourra être arrêté provisoirement en Belgique, pour l'un des faits mentionnés à l'Article I, sur l'exhibition d'un mandat d'arrêt décerné par le Juge d'Instruction du lieu de sa résidence ou du lieu où il pourra être trouvé, et motivé sur un avis officiel donné aux autorités Belges par les autorités du pays où l'étranger aura été condamné ou poursuivi.

Toutefois, dans ce cas, il sera mis en liberté si, dans le délai de 15 jours, à dater de son arrestation, lorsqu'elle aura été opérée à la demande du Gouvernement d'un pays limitrophe, et dans le délai de 3 semaines, lorsqu'il s'agira d'un pays éloigné, il ne reçoit communication du mandat d'arrêt décerné par l'autorité étrangère compétente.

Ce délai pourra être porté à 3 mois si le pays qui requiert l'extradition est hors d'Europe.

Après l'ordonnance de l'arrestation, le Juge d'Instruction est autorisé à procéder suivant les règles prescrites par les Articles 87 à 90 du Code d'Instruction Criminelle.

L'étranger pourra réclamer la liberté provisoire dans les cas où un Belge jouit de cette faculté et sous les mêmes conditions. La demande sera soumise à la Chambre du Conseil.

La Chambre du Conseil décidera également, après avoir entendu l'étranger, s'il y a lieu ou non de transmettre en tout ou en partie les papiers et autres objets saisis au Gouvernement étranger qui demande l'extradition. Elle ordonnera la restitution des papiers et autres objets qui ne se rattachent pas directement au fait imputé au prévenu, et statuera, le cas échéant, sur la réclamation des tiers détenteurs ou autres ayants-droit.

VI. Les Traités conclus en vertu de la présente Loi seront insérés au "Moniteur"; ils ne pourront être mis à exécution que 10 jours après la date que porte ce journal.

VII. L'extradition ne peut avoir lieu si, depuis le fait imputé, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois de la Belgique.

VIII. Les Articles II et III de la Loi du 30 Décembre, 1836, sur la répression des crimes et des délits commis par des Belges à l'étranger sont applicables aux infractions prévues par l'Article I de la présente Loi.

IX. Ils sont également applicables aux infractions en matière forestière, rurale, et de pêche.

X. L'étranger qui, après avoir commis hors du territoire du royaume l'une des infractions prévues par l'Article I de la Loi du 30 Décembre, 1836, et par les Articles I et IX de la présente Loi, acquerra ou recouvrera la qualité de Belge, pourra, s'il se trouve en Belgique, y être poursuivi, jugé et puni conformément aux Lois du royaume, dans les limites déterminées par la dite Loi du 30 Décembre, 1836.

XI. Les commissions rogatoires émanées de l'autorité compétente étrangère et tendant à faire opérer soit une visite domiciliaire, soit la saisie du corps du délit ou de pièces à conviction, ne pourront être exécutées en Belgique que pour l'un des faits énumérés à l'Article I de la présente Loi.

Hors le cas prévu par l'Article V, elles seront préalablement rendues exécutoires par la Chambre du Conseil du Tribunal de Première Instance du lieu où les perquisitions et les saisies doivent être opérées.

La Chambre du Conseil décidera également s'il y a lieu ou non de transmettre en tout ou en partie les papiers et autres objets saisis au Gouvernement requérant.

Elle ordonnera la restitution des papiers ou autres objets qui ne

se rattachent pas directement au fait imputé au prévenu, et statuera, le cas échéant, sur la réclamation des tiers détenteurs ou autres ayants-droit.

XII. La Loi du 5 Avril, 1868, celle du 1^{er} Juin, 1870, ainsi que les dispositions de la Loi du 1^{er} Octobre, 1833, à l'exception de l'Article VI, sont abrogées.

Les mots "conformément aux Lois du 5 Avril, 1868, et du 1^{er} Juin, 1870," sont supprimés dans l'Article I de la Loi du 17 Juillet, 1871, relative aux étrangers.

Promulguons la présente Loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du "Moniteur."

Donné à Bruxelles, le 15 Mars, 1874.

Par le Roi :

LÉOPOLD.

T. DE LANTSHEERE, *Ministre de la Justice.*

AGREEMENT between France and Morocco, regarding Brokers employed by French Merchants in Morocco.—Tangier, August 19, 1863.

(Translation.)

PRAISE to the one God!

On the 19th August of the year 1863, which date corresponds with the 3rd Rabbea, the first of the Mahommedan year 1280, the following Regulations on the subject of protection were established for the guidance of the French Agents in the Empire of Morocco:—

Protection shall be accorded to the individual only during the time he is in actual service, and the protection he enjoys shall not be extended to all his relations, but only to his wife and children, or such others as reside under his roof.

This protection may be afforded in some instances as long as the *protégé* lives, but on his death it shall cease; and such protection shall not be considered hereditary except in the case of Moses Benchimol *alias* Beriro, who inherited it from his father and grandfathers, who served before him as interpreters or brokers to the French Mission at Tangier.

Protection shall be divided into two classes. The first shall include all natives in service at the Minister's house and at the several Consular residences within the jurisdiction of the Minister, such as clerks, soldiers, servants, and such like. The second class shall include the brokers employed by French merchants in their mercantile transactions.

The last-mentioned merchants shall not be considered merchants unless they do business on a large scale in both exports and imports at a port, whether on their own account or on that of others.

The number of brokers enjoying protection shall not exceed two in each commercial house; and should a merchant have another house at another port, he shall be entitled to two protected brokers at each of the ports where he may be established in business.

The protection of the French nation shall not be extended to natives employed in the country, whether in the cultivation of the soil, the tending of cattle, or any such like occupation.

But, in consideration of the Regulations that have hitherto been in force with the accord of the Moorish authorities, the protection of these people shall continue for two months, dating from the 1st September next.

It is well known that whenever people employed in the country by the French may be required to appear before the Tribunal of the local authorities, the Governor (of the town) will give due notice of the circumstance to the French Consular Agent, in order that the latter may give directions to the owner of the sheep or land under cultivation (in whose service the people so required to appear may be) to appoint substitutes to look after his property (during the absence of the former), and prevent any harm occurring to it.

A list of the persons under French protection shall be given by the French Agent to the Governor of the town where he resides, and whenever he may have occasion to make any alteration in his list he shall duly report such alteration to the authority.

Every person under French protection shall possess a certificate, in which his name shall be specified as well as his employment; and this certificate shall be written both in French and Arabic.

Such certificates shall be given by the French Minister resident in Tangier.

[This Agreement was laid before Parliament in 1880, with correspondence relative to the Conference held at Madrid in 1880, respecting the right of Protection of Moorish subjects by the Diplomatic and Consular Representatives of Foreign Powers in Morocco, and formed an Inclosure in the following despatch:—

Sir J. Drummond Hay to the Marquis of Salisbury.—(Received April 3.)

(Extract.)

Tangier, March 27, 1880.

ON the receipt of your Lordship's telegram, I requested Cid Mohammed Bargash to provide me with an official copy of the Arabic text of the original Agreement, which was, I believe, signed by M. Beclard, who was French Minister in Morocco at that time, by Cid Mohammed Bargash, and by one of the Sultan's Secretaries, Cid Drees Ben Mohammed Ben Drees.

Cid Mohammed informed me this morning that after a search of several hours in the archives of his Department he has not been able

to find the original Agreement; I have therefore caused copies to be made of the Arabic text of this Agreement, which was communicated by Cid Mohammed Bargash on the 21st August, 1863, to Her Majesty's Consul, Mr. Reade, who was at that time in charge of the Mission during my absence, and of the English translation made by Mr. Reade, which I have collated with the Arabic text and found to be correct. I inclose these documents.

The French text of this Agreement will be found in the "Papers printed for the use of the Foreign Office, March, 1880," No. 3689, p. 7. It was given to me by one of M. de Vernouillet's predecessors. It differs slightly from the Arabic and the English translation. I know not whether the Agreement was drawn up also and signed in the French language as well as the Arabic, as is usual in Treaties with this Government. In the copy of the Arabic text the signatures of the French and Moorish Commissioners are not mentioned.

The French Minister and French Agents do not adhere strictly to the terms of the 10th paragraph, "La protection Française ne s'applique pas aux indigènes employés par des Français à des explorations rurales." The semsars or agents selected by French merchants in the interior are generally wealthy farmers, though they may be also engaged in purchasing or selling goods on account of their employers.]

LOI de la République Française, relative à l'Organisation des Pouvoirs Publics.—Versailles, le 25 Février, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. I. Le pouvoir législatif s'exerce par deux Assemblées : la Chambre des Députés et le Sénat.

La Chambre des Députés est nommée par le suffrage universel, dans les conditions déterminées par la loi électorale.

La composition, le mode de nomination, et les attributions du Sénat seront réglés par une loi spéciale.

II. Le Président de la République est élu à la majorité absolue des suffrages par le Sénat et par la Chambre des Députés réunis en Assemblée Nationale.

Il est nommé pour 7 ans. Il est rééligible.

III. Le Président de la République a l'initiative des lois, concurremment avec les membres des deux Chambres. Il promulgue les lois lorsqu'elles ont été votées par les deux Chambres; il en surveille et en assure l'exécution.

Il a le droit de faire grâce ; les amnisties ne peuvent être accordées que par une loi.

Il dispose de la force armée.

Il nomme à tous les emplois civils et militaires.

Il préside aux solennités nationales ; les Envoyés et les Ambassadeurs des Puissances Étrangères sont accrédités auprès de lui.

Chacun des actes du Président de la République doit être contresigné par un Ministre.

IV. Au fur et à mesure des vacances qui se produiront à partir de la promulgation de la présente Loi, le Président de la République nomme, en Conseil des Ministres, les Conseillers d'État en service ordinaire.

Les Conseillers d'État ainsi nommés ne pourront être révoqués que par Décret rendu en Conseil des Ministres.

Les Conseillers d'État nommés en vertu de la Loi du 24 Mai, 1872, ne pourront, jusqu'à l'expiration de leurs pouvoirs, être révoqués que dans la forme déterminée par cette loi. Après la séparation de l'Assemblée Nationale, la révocation ne pourra être prononcée que par une résolution du Sénat.

V. Le Président de la République peut, sur l'avis conforme du Sénat, dissoudre la Chambre des Députés avant l'expiration légale de son mandat.

En ce cas, les collèges électoraux sont convoqués pour de nouvelles élections dans le délai de 3 mois.

VI. Les Ministres sont solidairement responsables devant les Chambres de la politique générale du Gouvernement, et individuellement de leurs actes personnels.

Le Président de la République n'est responsable que dans le cas de haute trahison.

VII. En cas de vacance par décès ou pour toute autre cause, les deux Chambres réunies procèdent immédiatement à l'élection d'un nouveau Président.

Dans l'intervalle, le Conseil des Ministres est investi du pouvoir exécutif.

VIII. Les Chambres auront le droit, par délibérations séparées, prises dans chacune à la majorité absolue des voix, soit spontanément, soit sur la demande du Président de la République, de déclarer qu'il y a lieu de reviser les lois constitutionnelles.

Après que chacune des deux Chambres aura pris cette résolution, elles se réuniront en Assemblée Nationale pour procéder à la révision.

Les délibérations portant révision des lois constitutionnelles, en tout ou en partie, devront être prises à la majorité absolue des membres composant l'Assemblée Nationale.

Toutefois, pendant la durée des pouvoirs conférés par la Loi du [1874-75. LXVI.]

20 Novembre, 1873, à M. le Maréchal de MacMahon, cette révision ne peut avoir lieu que sur la proposition du Président de la République.

IX. Le siège du pouvoir exécutif et des deux Chambres est à Versailles.

Délibéré en séances publiques, à Versailles, les 22 Janvier, 3 et 25 Février, 1875.

L. MARTEL (Pas-de-Calais), *Président*.

LOUIS DE SÉGUR, FÉLIX VOISIN,

T. DUCHÂTEL, VTE. BLIN DE BOURDON, VANDIER, *Secrétaires*.

Le Président de la République promulgue la présente Loi.*

MAJ. DE MACMAHON, *Duc de Magenta*.

GAL. E. DE CISSEY, *Vice-Président du Conseil*,

Ministre de la Guerre.

FRENCH LAW, relative to the Organization of the Senate. [Territory of Belfort; Departments of Algeria; Colonies of Martinique, Guadeloupe, Réunion, French Indies, &c.]—Versailles, February 24, 1875.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. I. Le Sénat se compose de 300 membres :

225 élus par les Départements et les Colonies, et 75 élus par l'Assemblée Nationale.

II. Les Départements de la Seine et du Nord éliront chacun 5 Sénateurs ;

Les Départements de la Seine-Inférieure, Pas-de-Calais, Gironde, Rhône, Finistère, Côtes-du-Nord, chacun 4 Sénateurs ;

La Loire-Inférieure, Saône-et-Loire, Ile-et-Vilaine, Seine-et-Oise, Isère, Puy-de-Dôme, Somme, Bouches-du-Rhône, Aisne, Loire, Manche, Maine-et-Loire, Morbihan, Dordogne, Haute-Garonne, Charente-Inférieure, Calvados, Sarthe, Hérault, Basses-Pyrénées, Gard, Aveyron, Vendée, Orne, Oise, Vosges, Allier, chacun 3 Sénateurs ;

Tous les autres Départements, chacun 2 Sénateurs.

Le territoire de Belfort, les 3 Départements de l'Algérie, les 4 Colonies de la Martinique, de la Guadeloupe, de la Réunion et des Indes Françaises éliront chacun 1 Sénateur.

III. Nul ne peut être Sénateur s'il n'est Français, âgé de 40 ans au moins et s'il ne jouit de ses droits civils et politiques.

* Promulguée au "Journal Officiel" du 28 Février, 1875.

IV. Les Sénateurs des Départements et des Colonies sont élus à la majorité absolue, et, quand il y a lieu, au scrutin de liste, par un collège réuni au chef-lieu du Département ou de la Colonie et composé—

1. Des Députés ;
2. Des Conseillers Généraux ;
3. Des Conseillers d'Arrondissement ;
4. Des Délégués élus, un par chaque Conseil Municipal, parmi les électeurs de la Commune.

Dans l'Inde Française, les Membres du Conseil Colonial ou des Conseils Locaux sont substitués aux Conseillers Généraux, aux Conseillers d'Arrondissement et aux Délégués des Conseils Municipaux.

Ils votent au chef-lieu de chaque établissement.

V. Les Sénateurs nommés par l'Assemblée sont élus au scrutin de liste et à la majorité absolue des suffrages.

VI. Les Sénateurs des Départements et des Colonies sont élus pour 9 années et renouvelables par tiers, tous les 3 ans.

Au début de la première session les Départements seront divisés en 3 séries contenant chacune un égal nombre de Sénateurs. Il sera procédé, par la voie du tirage au sort, à la désignation des séries qui devront être renouvelées à l'expiration de la première et de la deuxième période triennale.

VII. Les Sénateurs élus par l'Assemblée sont inamovibles.

En cas de vacance par décès, démission ou autre cause, il sera, dans les deux mois, pourvu au remplacement par le Sénat lui-même.

VIII. Le Sénat a, concurremment avec la Chambre des Députés, l'initiative et la confection des lois. Toutefois, les lois de finances doivent être, en premier lieu, présentées à la Chambre des Députés et votées par elle.

IX. Le Sénat peut être constitué en cour de justice pour juger, soit le Président de la République, soit les Ministres, et pour connaître des attentats commis contre la sûreté de l'État.

X. Il sera procédé à l'élection du Sénat un mois avant l'époque fixée par l'Assemblée Nationale pour sa séparation. Le Sénat entrera en fonctions et se constituera le jour même où l'Assemblée Nationale se séparera.

XI. La présente Loi ne pourra être promulguée qu'après le vote définitif de la Loi sur les pouvoirs publics.

Délibéré en séance publique, à Versailles, le 24 Février, 1875.

AUDREN DE KERDREL, *Président.*

FÉLIX VOISIN, VANDIER, T. DUCHÂTEL,
VTE. BLIN DE BOURDON, LOUIS DE
SÉGUR, *Secrétaires.*

Le Président de la République promulgue la présente Loi.*

MAL. DE MACMAHON, *Duc de Magenta*.

GAL. E. DE CISSEY, *Vice-Président du Conseil*,

Ministre de la Guerre.

ARMISTICE between Spain and the Allied Republics of Bolivia, Chile, Equator, and Peru, concluded under the Mediation of the United States.—Signed at Washington, April 11, 1871.

THE mediation of the United States having been offered and accepted towards relieving Spain and the allied Republics of the Pacific from the technical state of war which has existed since the hostilities of 1866, the President of the United States has, for this purpose, conferred full powers upon Hamilton Fish, Secretary of State;

His Catholic Majesty has conferred like powers on Mauricio Lopez Roberts, Knight Grand Cross of the Royal Order of Isabel the Catholic; Knight General Cross of the Order of Christ, of Portugal, Grand Officer of those of the Conception of Portugal, and of Leopold of Belgium; Knight Commander of the Legion of Honour of France, Superior Chief of Administration, Deputy in various Legislatures, Envoy Extraordinary and Minister Plenipotentiary of His Majesty Amadeo I, King of Spain, to the United States of America;

The President of the Republic of Bolivia has conferred like powers on Colonel Manuel Freyre, Envoy Extraordinary and Minister Plenipotentiary of Peru to the United States of America;

The President of the Republic of Chili has conferred like powers on Joaquin Godoy, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States of America;

The President of the Republic of Ecuador has conferred like powers on Antonio Flores, a Senator of that Republic, and its Minister Plenipotentiary *ad hoc*;

And the President of the Republic of Peru has conferred like powers on Colonel Manuel Freyre, Envoy Extraordinary and Minister Plenipotentiary of that Republic to the United States of America;

And the said Plenipotentiaries having exchanged their full powers, which were found in due and proper form, have agreed upon the following Articles:—

ART. I. The suspension of hostilities existing *de facto* between

* Promulguée au "Journal Officiel" du 28 Février, 1875.

Spain, on the one hand, and the allied Republics of Bolivia, Chile, Ecuador, and Peru, on the other, is converted into a general armistice of truce.

II. This armistice shall continue indefinitely and cannot be broken by any of the belligerents, save in 3 years after having expressly and explicitly notified the other of its intention to renew hostilities. In this case, such notification must be made through the Government of the United States.

III. Each of the belligerents, during the continuance of this armistice, shall be at liberty to carry on commerce freely with neutral nations in all articles in which trade is considered lawful in a state of peace, all restriction on neutral commerce therefore ceasing.

IV. The present Agreement shall be ratified by the respective Governments, and the instruments of ratifications shall be exchanged at the Department of State at Washington within 4 months from date.

V. Those Governments which shall not have sent their ratification within the time fixed in the preceding Article may make the exchange separately in the two months following.

VI. If any one of the Governments, on account of circumstances over which it has no control, shall not be able to effect the exchange of the ratifications within the terms fixed in the foregoing Articles, such delay shall be granted it as it may request from the other party without necessity for a new agreement.

VII. The proceedings for the ratification and exchange shall not interfere with the continuation of the conferences designed for the negotiation of a peace.

In testimony of the stipulations made in the foregoing 7 Articles, the Undersigned, Secretary of State of the United States, in the character of mediator, and the Plenipotentiaries of Spain, Bolivia, Chile, Ecuador, and Peru, have signed the foregoing Agreement at the Department of State at Washington, on the 11th day of April, 1871.

HAMILTON FISH.

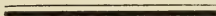
MAURICIO LOPEZ ROBERTS, *Plenipotenciario de España.*

MAN'L. FREYRE, *Plenipotenciario del Peru.*

JOAQUIN GODOY, *Plenipotenciario de Chili.*

ANTONIO FLORES, *Plenipotenciario del Ecuador.*

MAN'L. FREYRE, *Plenipotenciario de Bolivia.*



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| Captain Prideaux to the Earl of Derby | Jan. 23 | Mar. 11 | Bombardment and capture of Mombasa | 753 |
| " " | Feb. 10 | Mar. 11 | Captain Elton's reports on Kivolane expedition | 761 |
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| Mr. Bourke to Captain Prideaux | Mar. 19 | | Steps taken at Mombasa approved | 768 |
| " " | Mar. 29 | | Kivolane expedition approved | 768 |
| Dr. Kirk to the Earl of Derby | Mar. 20 | May 4 | Energetic measures taken by French Consul for suppression of Slave Trade | 769 |
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| Mr. Lister to Dr. Kirk | May 17 | | Approval of conduct in Case No. 12 of 1875 ... | 773 |
| Dr. Kirk to the Earl of Derby | Apr. 27 | May 31 | Reports that Sultan executed deeds freeing his slaves after his death.. | 773 |
| " " | May 3 | May 31 | Letter from Sultan of Johanna about prisoner. Case No. 12 of 1875 | 774 |
| Acting Consul-General Holmwood to the Earl of Derby | May 29 | June 28 | Capture of French dhow by <i>Flying Fish</i> . Handed over to authorities at Mayotte | 778 |
| " " | May 27 | June 28 | Reports public disgrace, &c., of slave-dealer. Case No. 12 of 1875.... | 778 |
| The Earl of Derby to Dr. Kirk | June 28 | .... | To express to Sultan gratification of Her Majesty's Government at deed signed by him. | 779 |
| " " | Aug. 17 | .... | Forwards Supplemental Treaty with Sultan for ratification | 779 |
| Acting Consul-General Smith to the Earl of Derby | Aug. 28 | Sept. 28 | Dhow engaged in Slave Trade seized by Arab authorities at Mombasa | 779 |
| The Earl of Derby to Dr. Kirk | Sept. 29 | .... | Forwards appointment as Consul of Comoro Islands | 780 |
| Dr. Kirk to the Earl of Derby | Sept. 20 | Oct. 16 | Queen's ratification of Treaty of 14th July, 1875, presented to Sultan | 780 |

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| Mr. Lister to Dr. Kirk | Oct. 18 | | To thank Arab authorities at Mombasa from Her Majesty's Government for steps taken by them | 780 |
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| Mr. Lister to Consul Pakenham | Aug. 12 | | Despatch to Hova Government approved. To obtain detailed information and report to Foreign Office | 784 |
| Consul Pakenham to the Earl of Derby | July 15 | Dec. 11 | Incloses reply from Hova Chief Secretary of State to his of the 5th May, respecting slave Ledy, of Mozambique | 785 |
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| Mr. Lister to Consul Pakenham | Dec. 20 | | Slave Trade between Madagascar and Mozambique and Zanzibar. To make with Admiral Commanding East Coast of Africa squadron, a joint protest against the violation of Treaty engagements by Hova authorities | 789 |

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EAST COAST OF AFRICA STATION.

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| Mr. Cobbold to the Earl of Derby | Apr. 14 | May 1 | Inclosing copy of note addressed to Portuguese Government. Gratification of Her Majesty's Government at issue of Decree of October 31, 1874, freeing libertos in Cape Verde Islands |
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| Lord Lytton to the Earl of Derby | May 31 | June 16 | Inclosing copy of note to Senhor Corvo as to operations of <i>Thetis</i> in the Umfusi River | 806 |
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| The Earl of Derby to Lord Lytton | Dec. 2 | | Incloses monthly report from Consul at Mozambique. To induce Portuguese Government to sanction the continuance of joint action for the suppression of Slave Trade | 808 |
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| Consul Hopkins to the Earl of Derby | July 31 | Sept. 18 | Report on publication of Law of April 29, 1875. Sends extract from "Boletim Officiel" of May 26, 1875. Regulation of labour in the Province of Angola | 815 |
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| Major-General Stanton to the Earl of Derby | Jan. 6 | Jan. 29 | Inclosing letter from Consul at Jeddah on Slave Trade in Hedjaz and Yemen | 849 |
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| Lord Lyons to the Earl of Derby | July 7 | July 10 | Her Majesty's Government for conduct of Mr. Consul Gaspari at Zanzibar, in preventing abuse of French flag in Slave Trade..... | 851 |
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SPAIN (*Havana*).

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| Acting Commissary-Judge Crawford to the Earl of Derby | Sept. 1 | Oct. 2 | Sends copy of statement in "Havana Gazette." Number of persons freed under Law of 4th July, 1870 | 853 |
| " | Sept. 6 | Oct. 2 | Importation of Indians from Venezuela. Application of Dr. Secchi | 856 |

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| Consul Pauli to the Earl of Derby | May 12 | May 31 | Incloses report from Vice-Consul Gibbons on result of abolition of slavery and contract of "libertos" | 858 |
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TURKEY.

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| The Earl of Derby to Sir H. Elliot | May 11 | | Case of 4 slaves on <i>Macedonia</i> , from Malta, liberated | 865 |
| Sir H. Elliot to the Earl of Derby | July 10 | July 20 | Complicity of Governor of Bengazi in Slave Trade. Sends copy of note to Safvet Pasha... | 865 |
| " | Aug. 8 | Aug. 17 | Sends report of Sir P. Francis on female slave taking refuge at Consulate, and copy of note on the subject to the Porte | 866 |
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| Consul Henderson to the Earl of Derby | June 12 | July 12 | Orders from the Porte to stop Slave Trade received at Bengazi | 871 |
| „ „ | July 17 | Aug. 23 | Requests permission to visit slave entrepôt at Jalo. Governor-General has promised assistance | 872 |
| Mr. Lister to Consul Henderson | Aug. 31 | | Grants leave to visit Jalo | 873 |

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| Consul Beyts to the Earl of Derby | 1874. Dec. 27 | Jan. 29 | Official installation as Consul on 21st instant. Remarks on Slave Trade, &c. | 873 |
| „ „ | 1875. Jan. 15 | Feb. 9 | Slave-mart at Jeddah closed since his appointment. Forwards list of slaves liberated at Jeddah since his arrival | 874 |
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| Consul Beyts | Apr. 18 | | Remarks on slaves imported into Yemen and Hedjaz, &c. | 877 |
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VENEZUELA.

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| The Earl of Derby to Mr. Middleton | Oct. 14 | | Importation of Indians into Cuba from Venezuela. Inclosing copy of despatch from Acting Consul-General at Havana | 881 |
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ZANZIBAR.

Vice-Consul Elton to the Earl of Derby.-(Rec. January 11, 1875.)
(Extract.) *Zanzibar, December 15, 1874.*

I HAVE the honour to inclose you copy in translation of a letter addressed by me to His Highness the Sultan of Zanzibar, together

with copy in translation of reply received thereto, relative to a desire expressed by Captain Sullivan, R.N., commanding Her Majesty's ship *London*, who was anxious to establish workshops and a forge on the Island of Bawy, opposite the town of Zanzibar.

Captain Sullivan had frequently expressed a wish that the Sultan would allow him to use the island both for working purposes and as a place on which to give his men a run ashore.

I mooted the subject to the Sultan, who with the greatest cordiality promised me verbally that the island should be placed at the disposition of the *London*, and His Highness now ratifies his verbal promise by the inclosed reply, in translation, to my letter of December 10.

The interests of the few fishermen living on the island are secured, and it is now used as a place of recreation for the men, to whom it would be unwise to grant leave, in any numbers, on Zanzibar.

I trust your Lordship will appreciate His Highness' goodwill in the matter, and that my action may be approved.

The Earl of Derby.

FREDERIC ELTON.

(*Inclosure 1.*)—*Vice-Consul Elton to the Sultan of Zanzibar.*

(After compliments.)

Zanzibar, December 10, 1874.

I HAVE to inform your Highness that in conversations with Captain Sullivan, who commands Her Majesty's ship *London*, he has told me that there are difficulties in doing the engineer's work on board his vessel; fires and forges are necessary, and also more space.

If then your Highness sanctioned a workshop and forge being built on the Island of Bawy for repairs of boats and ships, I feel assured that Her Majesty's Government would regard such sanction as a proof of that amicable feeling and confidence which I trust may long exist between Great Britain and your House.

Any assistance that your Highness may require for repairs of machinery or vessels, Captain Sullivan desires me to say will always willingly be given.

I have, &c.,

FREDERIC ELTON.

(*Inclosure 2.*)—*Vice-Consul Elton to Captain Sullivan, R.N.*

SIR,

Zanzibar, December 12, 1874.

I HAVE the honour to forward you the copy of a letter received by me this day from His Highness Seyed Burgash.

I have very great pleasure at the same time in drawing your attention to the goodwill and readiness with which the Sultan at once acceded verbally to your wish to build on the Island of Bawy.

The verbal permission is now quite ratified by the letter of to-day, and you can consider yourself at liberty to commence any work

you may wish upon Bawy. I need hardly suggest, however, that it will be perhaps politic to avoid interfering with the existing interests of the small colony of native fishermen located on the island.

I have, &c.,

Captain Sullivan, R.N.

FREDERIC ELTON.

(Inclosure 3.)—*His Highness Seyed Burgash to Vice-Consul Elton.*
(Translation.) 2nd El Keedah, 1291 (12th December, 1874).
(After compliments.)

YOUR letter dated the 3rd Showal has reached, and your friend has understood what you mentioned—the desire of Captain Sullivan to build on Bawy for the repairing of ships and boats.

There is no objection; there is no division of property or ground between us; and tell Captain Sullivan that anything else he needs, besides this, we shall be pleased to do it.

This is from your friend.

BURGASH BIN SAEED.

Mr. Bourke to Captain Prideaux.

SIR, Foreign Office, January 16, 1875.

WITH reference to your despatch of the 19th September last, reporting that you had considered it politic to return to the Sultan of Zanzibar a dhow taken by Her Majesty's ship *Rifleman* and condemned (Case No. 9) as a slaver in the Court at Zanzibar, I am directed by the Earl of Derby to state to you that, while fully appreciating the difficulty of the position in which you found yourself placed on that occasion, his Lordship is of opinion that it would have been better, as in any ordinary case, to have carried out the Decree by destroying the dhow. I am, &c.,

Captain Prideaux.

ROBERT BOURKE.

The Earl of Derby to Dr. Kirk.

SIR, Foreign Office, February 2, 1875.

WITH reference to the questions which have arisen in regard to the interpretation of the Treaty of June 5, 1873,* with the Sultan of Zanzibar for the suppression of the Slave Trade on the East Coast of Africa, I have to acquaint you, now that you are about to return to your post at Zanzibar, that, until otherwise instructed, it is the wish of Her Majesty's Government that you should continue the same line of policy hitherto adopted by you both in regard to your communications with the Sultan on Slave Trade matters, and in dealing also with vessels captured by Her Majesty's cruisers for being engaged in Slave Traffic.

I am, &c.,

Dr. Kirk.

DERBY.

The Earl of Derby to Captain Prideaux.

SIR,

Foreign Office, February 4, 1875.

WITH reference to Captain Elton's despatch of the 15th of December last, I have to instruct you to thank His Highness the Sultan of Zanzibar, on behalf of Her Majesty's Government, for the kind and prompt manner in which His Highness acceded to the request of Captain Sullivan, of Her Majesty's ship *London*, for permission to use the Island of Bawy for a recreation-ground for sailors, and for the erection of forges and workshops thereupon. I have at the same time to state to you that the Lords of the Admiralty have informed me that they are anxious that the special expression of their thanks should also be conveyed to the Sultan for the use of the island in question, and you will accordingly take care to comply with their Lordships' wishes in this respect.

I am, &c.,

Captain Prideaux.

DERBY.

Vice-Consul Elton to the Earl of Derby.—(Rec. February 10, 1875.)

MY LORD,

Zanzibar, December 21, 1874.

I HAVE the honour to acknowledge your Lordship's despatch of 6th November last, and duly note that, "when there is a difference of opinion between the Sultan of Zanzibar and Her Majesty's Representative in regard to the punishment to be inflicted on the perpetrators of outrages resulting in the deaths of British subjects, the matter is to be referred home before the extreme penalty of death is insisted upon."

"When it is decided that the punishment is to be imprisonment for life," your Lordship's further commands will be carried out, "that the offender should always be handed over to the British authorities, in order that he may undergo his sentence in a British possession."

I have, &c.,

The Earl of Derby.

FREDERIC ELTON.

Captain Prideaux to the Earl of Derby.—(Received February 10.)

MY LORD,

Zanzibar, January 13, 1875.

I HAVE the honour to forward, for your Lordship's information, copies of 3 reports, dated respectively the 11th, 21st, and 25th October last, addressed to me from Lamoo by my assistant, Mr. Holmwood, relative to the murder of a Banian at that place by some Swahilis.

On receipt of these letters I laid the matter before the Sultan, and informed him that it would be necessary to inflict a severe punishment upon the parties concerned in the murder, but I found on my return from the Seychelles that nothing had been done beyond confining the prisoners in chains at Lamoo. I have now obtained

the written promise of the Sultan that they should be brought to Zanzibar, as it is necessary for the safety of the Banians residing in the coast towns that an example should be made of the guilty parties in this instance.

I have, &c.,

The Earl of Derby.

W. F. PRIDEAUX.

Captain Prideaux to the Earl of Derby.—(Received February 20.)

(Telegraphic.)

Zanzibar, February 20, 1875.

THE rebel Akida, of Mombasa, having attacked the town, and plundered British property which Sultan's troops were unable to protect, Political Agent proceeded with *Rifleman* and *Nassau*, and called on him to surrender; on refusal, fort was bombarded on 18th January, and after nearly 3 hours' firing Akida surrendered himself and nearly 400 armed followers, and was conveyed to Zanzibar. Tranquillity is completely restored, and Sultan's authority re-established in Mombasa, without a single casualty on side of British. The Akida has retired to Pitba until opportunity occurs for proceeding to Hadramant.

Mr. Bourke to Captain Prideaux.

SIR,

Foreign Office, February 24, 1875.

I AM directed by the Earl of Derby to express to you his approval of the steps taken by you in regard to the murder of a Banian at Lamoo, as reported in your despatch of the 13th ultimo, and I am to instruct you to insist on adequate punishment being inflicted, if on their arrival at Zanzibar the guilt of the prisoners should be proved.

I am, &c.,

Captain W. F. Prideaux.

ROBERT BOURKE.

Captain Prideaux to the Earl of Derby.—(Received March 11.)

MY LORD,

Zanzibar, January 23, 1875.

IN continuation of my despatch dated the 13th instant, relative to the state of affairs at Mombasa, I have the honour to report that on the 15th a buggalow arrived at Zanzibar from Takaungu, with a report that hostilities had commenced between the Governor's troops and those of the insurgent Akida, Mohammed-bin-Abdullah Bakhashwain, and that a portion of the town had apparently been burnt. I therefore requested Captain Sullivan, of Her Majesty's ship *London*, the senior officer at Zanzibar, to despatch Her Majesty's ship *Rifleman* at once, for the purpose of ascertaining whether it was necessary to take any measures for the protection of British life and property, and should such appear to be the case, or should any outrages have actually been committed on the persons or property of

British subjects, of forwarding an immediate report to Zanzibar. I also requested that Commander Tuke might be instructed to receive on board the *Rifleman* any British or British Indian subjects who might desire to take refuge on board the vessel with their property.

The *Rifleman* left about 2 P.M. on the 15th January, and in the evening of the same day I received a message from His Highness the Sultan informing me that a letter from Mombasa had reached him, in which the rumour of the attack on the Governor's house and the destruction of a large portion of the town was confirmed, and begging that Her Majesty's ship *Nassau* might also be despatched without delay.

On the receipt of this intelligence I determined to proceed to Mombasa, as it seemed probable that the intervention of the Political Agent would be required for the protection of British interests, and I therefore requested that the *Nassau* might be got ready for sea as soon as possible. By 2 P.M. on the 16th all preparations were completed, and the *Nassau* left the harbour, with two companies and a 12-pounder field-piece from Her Majesty's ship *London* on board, in addition to her own crew and armament, the whole being under the command of Captain Sullivan.

The *Nassau* arrived at Mombasa about 3 P.M. on the 17th, and at once joined the *Rifleman* in the inner harbour. The Rev. Mr. Sparshott immediately came on board, and after a conversation with him I became convinced there was no possible hope for the permanent security of life and property within the town, so long as the Akida remained in possession of the citadel. It appeared that on Tuesday, the 12th instant, Mohammed-bin-Abdullah commenced hostilities by firing on the Governor's house, which I ascertained on a subsequent inspection had been seriously injured, many of the 18-pounder shots having penetrated through the walls into the interior of the building. Under cover of this fire, a large body of men had sallied from the fort, and had burnt and plundered the intermediate quarter, within which was a lane occupied by Memons or Sindhis, who were entitled to protection as British subjects, but who suffered in common with the rest of the inhabitants. Advancing further into the town, the assailants were encountered by the Governor's troops, and a conflict ensued, involving considerable loss of life on both sides, but eventually the Akida's party retired into the fort. On Wednesday the work of destruction and plunder was resumed, and continued during Thursday; but on Friday a body of troops, amounting to 200 men, arrived from Takaungu and hostilities ceased. The appearance of these men, however, did not allay the fears of the inhabitants; for, as Mr. Sparshott informed me, they now believed that they would be indiscriminately plundered by both parties.

From the action taken by Mohammed-bin-Abdullah, it was

evident that in attacking the Governor's house his main object was to secure possession of the Custom-house, which lay a very short distance behind it, and which, in addition to the sum of 40,000 dollars in cash, contained a large amount of ivory and other valuable property. Had these buildings fallen into his hands, he would at once have been enabled to assume an independent position, as the fort is deemed impregnable in Arab estimation, and I am convinced that no force that the Arabs could have brought to bear upon it could have effected its reduction. The Akida, in a letter written to Commander Tuke, of Her Majesty's ship *Rifleman*, on the day preceding our arrival, had openly announced his intention of firing on any vessel belonging to the Sultan which might attempt to enter the northern harbour, and there was no spot on which the Arabs could erect a land battery which was not commanded by the guns of the fort.

Considering, therefore, that British property to the amount of some thousands of dollars had already been destroyed, notwithstanding the presence of the Governor's troops in the town, and that there was every reason to expect that a further attack would take place, unless a British man-of-war were stationed permanently in the harbour, I determined, after mature deliberation, that the time for intervention had arrived, and that it was necessary to call upon the Akida to surrender himself, and re-establish the authority of the Sultan within the fort. With this view the two vessels were moved outside the reef to a position about 1,500 yards distant from the fort, and beyond the range of the Akida's guns.

Early on the following morning (18th January) I addressed a letter to the Akida, of which I inclose a copy. In this document I called upon him to surrender the fort, and promised that his life and property, and those of his Chiefs and followers, should be safe, and that I would use my best endeavours to procure them a passage back to Hadramant. In the event of his refusing to accede to these terms, I informed him that I should be compelled to use force against him.

I also addressed letters to the Sultan's Governor, Saif-bin-Sulaiman, and to the Customs Agent, Lalljee Amandji, in which I acquainted them with my intentions, and requested them to take measures for the safety of the property of the Arab, Swahili, and Indian residents, in case I should be obliged to fire on the fort. I should have mentioned before that, on arrival at Mombasa, we found that all the dhows had left the harbour, and had taken refuge in the little creeks that fringe the opposite coast, and that the Indians had removed their families and portable goods to places of safety on the mainland. This was also done by the Rev. Mr. Sparshott on my recommendation.

The letters were despatched under charge of Lieut.-Commanding

Gray, of Her Majesty's ship *Nassau*, and taken up to the fort by the Agency Interpreter, Ali-bin-Saleh. Lieutenant Gray remained at the Governor's house, and had thus a good opportunity of making himself acquainted with the true position of affairs in the town.

An answer did not reach the ship till about 12.30 P.M. I inclose a translation of the Akida's letter. The tone of this letter was not satisfactory, and as I considered it useless to waste time in carrying on a fruitless negotiation, I requested Captain Sullivan to take the measures which he deemed most expedient for the reduction of the fort with the force at his disposal.

Three rocket-boats having been sent a short way in advance of the ships, the first shot was fired by Her Majesty's ship *Nassau* at 12.50 P.M., and for upwards of an hour a vigorous bombardment was kept up at a distance of 1,500 yards. The rocket-boats were then sent gradually in over the reef, until they took up a position in face of the fort, which they maintained under an incessant fire of small arms,—fortunately without sustaining any casualty. The *Nassau* was brought in and anchored at distances, successively, of 1,000 and 400 yards, at which latter position the first gun from the fort was fired at her, but fortunately the shot fell into the water about 30 yards astern, without having effected any injury. The *Rifleman* then passed into the harbour under cover of an incessant fire of riflemen from the *Nassau's* deck, which prevented the Arabs from coming to their guns. One very successful shot from the *Rifleman's* 6½-ton gun completely brought down the right turret on the harbour face of the fort, together with the matchlock-men inside it. On the *Nassau* preparing to follow the *Rifleman* in, and just as she was coming abreast of the harbour face, the flag was hauled down, and the fort surrendered at 3.30 P.M., the engagement having lasted two hours and 40 minutes.

As soon as it was practicable, I sent the Agency Interpreter, Ali-bin-Saleh, to the fort with a note, in which I reiterated the pledges I had given in the morning, on condition that the Akida came on board the *Nassau*. He was extremely distrustful at first, but, after a few messages had passed between us, he regained confidence, and personally surrendered himself at about 6 P.M.

After a short interview I permitted him to return to the fort, as I wished to restore confidence among his followers, and especially to obviate the chance of any disturbance breaking out during the night between the two parties.

The night passed quietly, and on the following morning the Akida again came on board, and delivered up to me the keys of the fortress. I informed him that it was necessary that his troops should evacuate the fort as soon as possible, and that I would endeavour to procure dhows for the purpose, and would place them

in such a position that his followers might embark from the sally-port without entering the town.

About 10 A.M. I paid a visit to Saif-bin-Sulaiman, the Sultan's Governor, accompanied by Captain Sullivan and Lieutenant Gray, and made arrangements with the Customs Master for the engagement of the necessary number of dhows. I may add that, as soon as the news of the Akida's surrender had got abroad, the vessels which had taken refuge among the creeks at once returned to their usual position opposite the Custom-house, and before nightfall the port had resumed its usually busy appearance.

The remainder of the day was occupied in the embarkation of the Akida's followers on board the dhows, a matter which could not be accomplished without some difficulty, when it is considered that they numbered nearly 1,000 souls, including 350 fighting men. The whole of the women and children, with the luggage, were, however, on board by sunrise.

At 7.30 A.M. on the 20th I landed, in company with Captain Sullivan, and attended by a party of 200 blue-jackets from Her Majesty's ships *London*, *Rifleman*, and *Nassau*, with their small arms, and formally took possession of the fort, in the name of His Highness the Sultan. I was met outside the gate by the Akida, who conducted me over the whole of the works. The inner gate, over which is the Portuguese inscription of 1635, is commanded by two guns, mounted in the opposite tower, at a distance of about 50 yards, and it would have been impossible for an English, much less an Arab force, to have effected an entrance without suffering considerable loss. The total number of guns is 49, some of which are unserviceable; but the sea, harbour, and town faces are well protected, and judging from the ravages committed in the Governor's house, there is no reason for thinking that the guns are as honey-combed as they have been reported to be; most of them bear the date 1802, and they were probably mounted by His late Highness Sayyid Saied after the surrender of the fort by the Mazrui Chiefs in 1833. The magazine is badly situated, being merely a square stone building near the centre of the fort, and was struck by a couple of round shots, after which the Arabs removed as much of their powder as they could to a more secure position.

The Sultan's flag having been rehoisted under a general salute, I handed the keys of the fort to the Governor, and the blue-jackets were re-embarked on board the *Rifleman* and *Nassau*. Lieutenant Gray volunteered to conduct the Akida to a boat which was in readiness for him at the fort, and was fortunately enabled to prevent a collision between some of the Governor's undisciplined troops and the few Hadhramis who had not yet embarked. Mohammed-bin-Abdullah and three of his principal Chiefs having come on board

the *Nassau*, the anchor was weighed at about 2 P.M., and the two vessels arrived in Zanzibar Harbour at 7 P.M. on the following day.

The results of this expedition have been in the highest degree satisfactory. The Hadhrami Chief, Mohammed-bin-Abdullah, is a man of considerable ability and force of character, and possesses unlimited influence over men under his own command. He has since admitted that if we had not arrived at Mombasa, it was his intention to have made another attack upon the place, and having so great an advantage in guns and position, there is no doubt that the whole of the town must have come ultimately into his hands. This example would have been followed at Melinde, Lamu, and other ports, and before long a number of small piratical nests would have arisen along the coast, which would have given us much trouble to suppress, for both the Sultan's unpopularity and his military weakness would have rendered any efforts on his part futile; until, therefore, his power was again consolidated, this state of things would have introduced a new and unfavourable phase into our Slave Trade policy.

All these contingencies have now been obviated. Tranquillity and confidence have been completely restored to Mombasa, the Sultan's authority re-established, and British prestige maintained, without a single casualty on our side. It may be predicted that the salutary influence of this measure will not pass away for many years to come.

I have been unable to ascertain the enemy's loss with any approach to accuracy, but it may be estimated at about 15 killed and 50 wounded. Eight serious cases will be treated at Zanzibar by Dr. Robb, the Civil Surgeon, and one operation was successfully performed this morning on board Her Majesty's ship *London*.

I have not yet received a statement of the amount of British property plundered by the rebels, but before leaving Mombasa I directed the Customs Agent to forward me the required information as soon as possible. The Memons are not a wealthy class, and I should be disinclined to make a higher assessment of their loss than 3,000 dollars.

His Highness the Sultan, in common with all classes of the community, has been much gratified at the successful results of the expedition. He felt somewhat dissatisfied at the lenient terms accorded to the insurgent Chief; but I pointed out that he had been severely punished, not only by the loss of some of his best soldiers, but by the deprivation of the position he held. It is right, however, that I should record my reasons for extending lenity to this man. In the first place, I did not consider that the views of the Sultan deserved much consideration. He had allowed the rebel to hold possession of the fort until long impunity had emboldened him to

attack the town; and I have even heard that he continued his subsidy throughout, as a bribe to withhold him from doing so. Secondly, I considered that we had no personal quarrel with the rebel, who had hitherto, to the best of his ability, protected British property, and that our operations should be looked on solely as a political measure, intended to insure security in future to British subjects and interests, which would have been endangered through his incessant conflicts with the Sultan's authorities, and that for this end it was sufficient merely to force him to evacuate the fort. And, lastly, because I am well aware that the Akida would have fought to the last rather than surrender himself to the Sultan, and I was most anxious to avoid the needless effusion of blood which would have resulted from attempting to capture the citadel by assault. The Akida will now proceed with his followers to Pemba, where he possesses a very large and valuable estate, and will be occupied with the arrangement of his affairs, until the season is suitable for his return to Hadramant.

In conclusion, I have only to express my acknowledgments to Captain Sullivan, of Her Majesty's ship *London*, the senior officer with the expedition, both for his prompt compliance with my wishes at the outset, and for the able manner in which the operations were subsequently conducted; to Commander Tuke, of Her Majesty's ship *Rifleman*; Lieutenant-Commander Gray, of Her Majesty's ship *Nassau*, and to the officers, petty officers, and men under their command, for the gallant manner in which they assisted in carrying out a line of policy which I suddenly felt myself compelled to adopt under circumstances of great difficulty, and on my sole responsibility. The matter being one in which British interests were gravely imperilled, I endeavoured to act upon the principle which, after a long experience amongst Arabs, I feel convinced is the just one in dealing with them, namely, of displaying vigour and promptitude in the inception and execution of a plan, and moderation when success is assured; and the results having fully justified the policy, I trust that my proceedings will meet with the approbation of your Lordship.

I have, &c.,

The Earl of Derby.

W. F. PRIDEAUX.

(Inclosure 1.)—*Captain Prideaux to the Akida Mohammed-bin-Abdullah Bakashwain.*

(After compliments.)

January 18, 1875.

I BEG to inform you that I have arrived at Mombasa for the purpose of protecting the lives and property of British subjects, which are endangered from the hostilities between yourself and the troops of His Highness the Sultan. As there will be no safety to British property, of which a considerable amount has already been

destroyed, so long as you continue to occupy the fort, I am compelled to call upon you to surrender the fort, and to come on board the *Nassau*, together with your brothers and Chiefs; and in that case I will receive you under my protection, and promise that your life shall be safe, and that I will use my best endeavours to procure you a passage to Hadramant.

I shall feel obliged by your giving me an answer to this letter by noon. Should I receive no answer, or should you refuse to accede to my terms, I shall be obliged to use force against you. The signal that you are willing to come to terms shall be that you will keep your flag half way down the mast, until answered by a red flag from the ship.

W. F. PRIDEAUX.

The Akida Mohammed-bin-Abdullah Bakashwain.

(Inclosure 2.)—*The Akida Mohammed-bin-Abdullah Bakashwain to Captain Prideaux.*

(After compliments.)

YOUR honoured letter has reached me, and I have understood its contents, the whole and in detail. You mention that you have arrived at Mombasa to watch and to settle matters between me and the soldiers of Seyed Burgash. God said, "When you enter a house, you pass through its door;" but this is incumbent on you to do, for we have been in this country 48 years: no fault has ever appeared as having been committed by us, and on this we have evidence in the handwriting of our Lord Seyed Burgash, which is sufficient to show that there is no cause for his enmity and dissension. But our Lord, Seyed Burgash, has listened to the words of the seditious and turbulent, but it cannot be helped. And you mentioned that no security is to be found for your subjects; but we have by no means wished for war. When the enemy attack us we defend ourselves; and you yourself saw troops were sent against us from Zanzibar: this is what you ought to have prevented before anything happened by advising our Lord not to listen to the words of the turbulent. Now the affair is in the hands of our Lord, and you are kings and governors, and know if the King should fight with his soldiers. Had my Lord and you quieted down things before you listened to the words of the seditious, it would have been better; but what God wishes must be done.

Dated 10 Dhil Hijjah, A.H. 1291, answering to January 18, 1875.

MOHAMMED-BIN-ABDULLAH
BAKASHWAIN.

Captain W. F. Prideaux.

Captain Prideaux to the Earl of Derby.—(Received March 11.)

MY LORD,

Zanzibar, February 10, 1875.

WITH reference to my letter dated 27th October, 1874, stating that it was my intention, at the request of the Government of Natal, to send Captain Elton to Mozambique to discuss with the Governor-General of that province the questions of voluntary emigration from Delagoa Bay to Natal, and of the temporary reception of slaves who may be landed at Mozambique by Her Majesty's cruizers, I have the honour to report that Captain Elton left Zanzibar in Her Majesty's ship *Thetis*, on the 13th of January, and returned by the mail-steamer this morning.

I inclose copies of Captain Elton's despatches to my address, dated respectively the 26th January and 5th February, and detailing the very successful operations lately undertaken by the Governor-General of Mozambique against the slave-traders on the Kivolane River, one of the principal strongholds of the Madagascar traffic.

These operations will now be materially assisted by the co-operation afforded at the request of the Governor-General by Her Majesty's cruizers, and if the efforts for the suppression of the trade which are now being made receive the support which is alluded to by Captain Elton, and which, judging from the present enlightened policy of the Cabinet of Lisbon, it is not likely will be refused, there is no doubt that the complete annihilation of the trade will be only a question of a year or two. I would, therefore, respectfully suggest, for the consideration of Her Majesty's Government, whether some arrangements could not be arrived at, by which the Governor-General of Mozambique would be empowered, whenever necessary, to permit the commanders of Her Majesty's cruizers to act in Portuguese territorial waters, and on land in the immediate vicinity of tidal creeks and rivers, without a previous reference to the home authorities.

I am glad to be able to report that Captain Elton has succeeded in making satisfactory arrangements for the provisional reception of freed slaves in temporary depôt at Mozambique, and that one of the principal mercantile houses at that port has engaged to maintain the slaves at a fixed rate per diem, until they can be removed to Natal.

I trust your Lordship will concur with me in the approval which I have expressed to Captain Elton for the very judicious and able manner in which he has carried out the important mission with which he was entrusted.

I have, &c.,

The Earl of Derby.

W. F. PRIDEAUX.

P.S.—Further details on the subject of liberated slaves, &c., will no doubt be afforded to your Lordship by the Natal Government, through the channel of the Colonial Office.

W. F. P.

(Inclosure 1.)—*Captain Elton to Captain Prideaux.*

SIR,

Mozambique, January 26, 1875.

I HAVE the honour to inform you that I arrived off this town on board Her Majesty's ship *Thetis*, Captain T. Le Hunte Ward, on the evening 20th January, and at Captain Ward's request landed to fix an hour on the following day to visit the Governor-General, Senhor Carvalho Menezes.

Whilst on shore, I heard that the local authorities, a few days previously, had sent a gun-boat to examine the Kivolane River, about 20 miles south, where it was supposed several slave-dhows were loading for Madagascar, but that one of her boats which had been sent forward for the purpose of taking soundings had been attacked and repulsed by the Arabs and natives with the loss of one officer and 3 men killed. On this the gun-boat returned to Mozambique for assistance, coal, and provisions, when the *Sena* and the *Tete* (both gun-boats originally built for the now abandoned expedition on the Zambesi against Bonga, drawing only 3 feet 6 inches, carrying each a rifled gun) and the schooner *Inhami Senga*, with 80 soldiers on board, were despatched with orders to burn the dhows, 17 in number, the villages, barracoons, &c., and release all slaves found. Reports, were, however, current that this force had been defeated with serious loss, and that one, if not both, of the gun-boats had been captured by the slave-traders.

Under these circumstances, on the occasion of our visit the next morning at 9 o'clock, 21st January, the Governor-General solicited Captain Ward's co-operation and assistance, and expressed his resolve to stamp out, as far as lay in his power, the Slave Traffic now systematically carried on from various points on the coast of the province to Madagascar, principally during the months of December, January, and February, in order to supply the annual fairs, adding that he felt assured there was no necessity for his "pleading a common cause of humanity at length."

I ventured to suggest to his Excellency that the British cruisers were at all times ready to co-operate with him heartily in searching the rivers and creeks that are notoriously the starting-points and ports of collection on the coast; but that, owing to obvious reasons, they had not, up to the present, interfered in any way with such slaving operations within limits which might be regarded as territorial waters belonging to the Portuguese Government, and to this Captain Ward added that he believed Her Britannic Majesty's Government anticipated a proffer of such assistance being accepted at Lisbon.

His Excellency replied that the question had been left by the Portuguese Government to his competency and decision, whether, under certain circumstances, the services of Her Britannic Majesty's

cruizers should be solicited, and their co-operation requested. In the case of Her Majesty's ship *Thetis*, he would willingly give Captain Ward permission, during his present cruize, to root out and chastise any nests of slave-dealers he might discover on the coast of the Mozambique Province.

It was finally arranged that Senhor de Castilho, a very intelligent Portuguese naval officer, together with two native pilots, should be on board Her Majesty's ship *Thetis* by 11 A.M., and that the vessel should proceed with all speed to the Kivolane for the purpose of ascertaining the position of the Portuguese force, and, if necessary, of affording material assistance.

Late in the afternoon, a little south of the Bajone Shoal and north of the Kivolane, the Portuguese gun-boats were sighted steaming along the land in shoal water where it was impossible for the *Thetis* to venture, and it was not until after dark that the schooner *Inhami Senga* was communicated with. From her we learnt that the Arabs had fled on the gun-boats entering the river; that 5 large dhows ready equipped for the Slave Trade had been burnt, together with other small craft, and the villages forming the settlement. Three bodies were recovered, and one white sailor found who was still alive although he had been left as dead, and had passed two days and nights exposed on the sand, with more than 20 wounds. The remaining dhows were supposed to have run their slaves, and effected an escape.

Captain Ward was at first anxious to send Senhor de Castilho, the pilots and myself (I had accompanied the *Thetis* as interpreter), back to Mozambique in the schooner, and to proceed on his cruize towards the Madagascar coast, where he had ordered Her Majesty's ship *Flying Fish* to join him; but when I explained to him the exceptionally favourable position in which he was placed with regard to the eradication of the strongholds of the Madagascar Slave Trade, with the Governor-General's express consent, during his present cruize; that such permission might possibly not be extended to a second cruize; and that he could, under the circumstances, by again calling on the Governor-General, define his intentions without any fear of a misunderstanding of motives, he decided to return to Mozambique, equip his boats, leave them on the coast, run over in the *Thetis* to Madagascar to meet the *Flying Fish*, and then return to meet his boats again off the Angoxa.

The next morning, 22nd January, the *Thetis* was again at anchor off Mozambique, and Captain Ward wrote to congratulate the Governor-General on the successful issue of his expedition, and also to request his Excellency to give him such information as lay in his power for the instruction of his boats about to be engaged in the suppression of the slave-trading stations on the seaboard of the

Province. To this the Governor-General replied by indicating the coast in the vicinity of Ibo, the Umfusi, and adjacent rivers, and the rivers from the Angoxa to the Mecusa.

In the afternoon, Captain Ward and I again called on his Excellency, who cordially consented to the boats cruising and examining the various rivers, and showed us a despatch from the Portuguese Government, covering copy of a despatch from Sir Charles Murray, conveying the Earl of Derby's request that more vigilance should be exercised by the local authorities with regard to the Slave Trade, and drawing attention to the full slave-dhow captured last year, which ran from the Kivolane—the place which had just been attacked. His Excellency continued by deploring the inadequate means at his disposal, and assuring us of the pleasure with which he availed himself of British co-operation, and his firm resolve to let no local influences whatever deter the Anti-Slave Trade policy which he was instructed by his Government to carry out.

On inquiry it appeared, according to both official and private information, that to the north the following were suspected harbours for the Madagascar Slave Trade: Mosembé, Kisiwani (Fernan Veloso Bay), and the various rivers, creeks, and islands adjacent to Ibo.

Whilst to the south, that Kivolane River, Mafeda River, Umfusi River, Barowa River, Shangani River, Angoxa River, and the rivers south of Angoxa to the Mecusa River, were all well-known ports of collection.

Captain Ward in consequence left his pinnace, cutter, and first and second whalers, with one 12-pounder gun and rocket tubes, under command of Lieutenant Walters, to examine Mosembé, Kisiwani, Kivolane, Mafeda, Umfusi, and other rivers to the south, with orders to meet Her Majesty's ship *Thetis* off Angoxa on the 31st instant.

I was careful to impress upon Captain Ward the danger and difficulty of the service his officers and men were about to engage in, for the Arabs and Mujoges (term by which Mahommedan slave-dealers are universally known on the Mozambique coast) on the mainland, having been left undisturbed for so long, naturally consider themselves the strongest on land, and able to continue the traffic with impunity, and orders were issued that the boats were not to part company; also that in the case of captures on suspicion no dhow flying Portuguese colours was on any account to be destroyed, but to be brought into Mozambique to be adjudged upon by the proper authorities, or even to be left alone rather than risk any break in the good understanding now established with the Portuguese local authorities, and without which the suppression of the traffic on this coast would presently appear to be impracticable.

Mokambo Bay and Conducia Bay Captain Ward also decided, after consultation, should not be searched by the boats, as being too near to the town of Mozambique, and within the scope of the Portuguese gun-boats.

The boats left the same evening (22nd January), and on the following morning (23rd) the *Thetis* sailed for Madagascar.

With reference to the mission which was entrusted to me by the Natal Government, I have the honour to report that my duties are concluded. The points at issue have been fully explained to the Governor-General, who has forwarded all the documents and papers bearing on the arrangements in question to Lisbon, and it now rests on the decision of Senhor Corvo whether emigration from Delagoa Bay is resumed under the increased protection proposed to be secured by the Colonial Government; and pending the same reference his Excellency permits, in any urgent case, the landing at Mozambique of liberated slaves who may be captured by Her Britannic Majesty's cruisers in the vicinity, for passage by mail-steamer to Natal.

Should further news reach me of the movements of the *Thetis* or of her boats, I shall not fail to report the same; but the agents of the Union Steamship Company are daily expecting the arrival of the mail-steamer by which I return to Zanzibar. I have, &c.,
Captain W. F. Prideaux. F. ELTON.

(Inclosure 2.)—*Captain Elton to Captain Prideaux.*

SIR,

Mozambique, February 5, 1875.

IN continuation of my letter of January 26, I have the honour to inform you that Her Majesty's ship *Thetis* returned to this port yesterday evening.

I am glad to report that Captain Ward has already operated with success against the Arabs and Mujoges on the Umfusi and Kivolane, although the boat service is attended with serious difficulties owing to the intricacy of the delta, there being no less than 6 distinct entrances interlaced by mangrove creeks and narrow tidal branches, which appear to connect the two rivers.

The Arabs fled inland on the approach of the boats, but the native inhabitants, who have been oppressed by them for generations, readily gave information which led to two large dhows, one of 192, the other of 109 tons measurement, being discovered and destroyed. These vessels were secreted in shallow creeks and entirely hidden by the mangroves, but were furnished with an ample provision of water—the slaves are marched on board, each one carrying his food for the voyage—and were in all respects fitted for sea, blocks, ropes and masts being in their places, and only the sails wanting, which on the East African Coast are invariably brought

down at the last moment and bent by the nakhoda himself. The reed platforms on which the slaves crouch during the passage were also built, and it was evident that the owners were only awaiting the next spring tides to run across to Madagascar with a large number of slaves, who were collected in the vicinity, but driven inland on the first alarm.

Neither of these vessels was provided with colours or papers, and no one appeared to claim the slightest right or ownership over them; indeed, there can be no doubt as to their true character, for from the information given to Captain Ward by the Governor-General, no legitimate trade whatsoever has been for years past carried on from the vicinity, which is occupied by a nest of Arab and Mijoge slave-dealers, who systematically hunt slaves in the interior, and ship them to the Madagascar coast.

Captain Ward has left 4 of his boats in search of a full slave-dhow, which is reported to be hidden in one of the creeks, and purposes returning to meet them on Monday next (February 8); but on the conclusion of the examination of the delta of the Kivolane and Umfusi Rivers, the permission given to the *Thetis* to work on the coast in Portuguese waters expires.

Captain Ward strongly urged upon the Governor-General, at an interview this morning, the advantages to be obtained by availing himself of the present occasion and the services of his boats to destroy the *matériel* at the notorious starting-points of the Madagascar Slave Trade, and pointed out that by vigorous and combined action on the African sea-board immediate results would be obtained; whereas that by cruising on the extended coast of Madagascar it was known that the greater proportion of slavers escaped capture: but to these arguments his Excellency replied, that there being no emergency or immediate intelligence of slaves being shipped, he was unable to designate any named point for the *Thetis*' attention. Instructions would, however, be given to all local Governors that on receiving any information regarding the shipment of slaves they were at liberty to avail themselves of the services of any British men-of-war that might be within reach; and after some further discussion the Governor-General eventually allowed the justice of Captain Ward's arguments, and agreed to refer the question of permission to Her Britannic Majesty's ships to act in territorial waters to his Government, and recommend that special arrangements should be made by which Her Britannic Majesty's boats could act in concert with the local authorities.

From Captain Ward's observation, and from my own experience of this coast, I can most undoubtedly state that the only effectual and speedy means for the suppression of the daily increasing Slave Traffic between the Mozambique coast and Madagascar is the destruc-

tion of the ports of collection and shipment, and their *matériel*. These ports are situated at a distance from the Portuguese Settlements, which are, indeed, only fortified *comptoirs*; information regarding them is scanty; the Arabs and Mujoges who inhabit them are reckless adventurers; any legitimate trade carried on from them (and there is very little), is to the detriment of the Portuguese Custom-houses, and to the direct loss of the revenue of the Colony; and, apart from any question of Slave Trade, the Portuguese position would be strengthened by their being cleared out. Hence, if, in what the Governor-General himself terms "a common cause of humanity," an arrangement could be arrived at by Her Majesty's Government by which Her Britannic Majesty's vessels could act for the sole purpose of the suppression of the Slave Trade within Portuguese territorial waters,—from Cape Delgado to the Zambezi,—under strict and defined instructions, I am most undoubtedly of opinion that the key-note of the annihilation of this disgraceful traffic would be struck; and I venture to think that considerable economy in the maintenance of our East Coast force would be the ultimate result.

I have, &c.,

Captain W. F. Prideaux.

F. ELTON.

Captain Prideaux to the Earl of Derby.—(Received March 11.)

MY LORD,

Zanzibar, February 10, 1875.

IN continuation of my previous letter of this date, I beg to inclose a copy of the "Boletim Official" of Mozambique of the 23rd January last, containing the Portuguese official account of operations against the Slave Trade in the Kivolane River.

I have, &c.,

The Earl of Derby.

W. F. PRIDEAUX.

(Inclosure.)—*Official Bulletin of the Government-General of the Province of Mozambique, January 23, 1875.*

(Translation.)

Resolution.

No. 18.—THE Governor-General of the Province of Mozambique decides as follows:—

The gun-boats *Sena* and *Tete* having left this port on the 18th instant with a detachment of the Rifle Battalion No. 1 for the River Kivolane, to prevent an embarkation of slaves which was preparing there in Moorish canoes;

Seeing with great satisfaction the return of those steamers, and that the expedition was crowned with the best success, 8 canoes intended for the Slave Trade having been burnt, and the town of Quivolane, which was a refuge for the Moorish smugglers, having been razed to the ground, 3 sailors of the first launch belonging to

one of the steamers which arrived there having been most atrociously murdered there on the 16th;

A great service having therefore been rendered by completely destroying that town, where our forces had been previously ill-treated when they tried to prevent the departure of slaves, which was constant from that place for Madagascar, according to public report, confirmed by diplomatic documents;

I think it right to commend the officers mentioned below, for the discretion and valour with which they discharged this important commission:—

Miguel Vaz Guedes Bacellar, Captain in the Portuguese Army, my aide-de-camp, Commander of the force disembarked;

José Fernandes de Almeida, Lieutenant of the Rifle Battalion No. 1;

Augusto Cesar Alexandrino, Lieutenant in the Army;

João Maria da Costa, Lieutenant in the Navy, Commander of the steamer *Sena*;

Midshipman Antonio Maria Cardosa, Commander of the steamer *Tete*;

Midshipman Antonio Candido Vidal de Souza, Captain of this port.

I also think it right to recommend the Engineers, and all the men of both services, who took part in the said expedition, and I direct that this deserved commendation be entered against their respective names in the registers.

The authorities and other persons whom the knowledge of these presents concerns are thus to understand and observe them.

JOSE GUEDES DE CARVALHO E MENEZES,

Governor-General.

Palace of the Government-General of Mozambique,

January 22, 1875.

Mr. Bourke to Captain Prideaux.

SIR,

Foreign Office, March 19, 1875.

I AM directed by the Earl of Derby to express to you his Lordship's approval of the prompt and decided action taken by you for the protection of British subjects, and the maintenance of the authority of the Sultan at Mombasa, as reported in your despatch of the 23rd of January.

I am, &c.,

Captain W. F. Prideaux.

ROBERT BOURKE.

Mr. Bourke to Captain Prideaux.

SIR,

Foreign Office, March 29, 1875.

I AM directed by the Earl of Derby to acknowledge the receipt of your despatch of the 10th ultimo, inclosing copies of two letters

from Captain Elton, reporting his proceedings on the occasion of his recent visit to Mozambique, when he succeeded in obtaining the consent of the Portuguese Governor-General for the Commander of Her Majesty's ship *Thetis* to operate in Portuguese waters for the suppression of the Slave Trade, and I am to state to you that his Lordship concurs in the approval which you have expressed to Captain Elton of the very judicious and able manner in which he has acted on this occasion.

I am to add that Her Majesty's Chargé d'Affaires at Lisbon has been instructed to express to the Portuguese Government the gratification with which Her Majesty's Government has learnt the successful operations of the Portuguese forces against the slave-traders in the Kivolane River; and he has also been directed to point out the beneficial effects which cannot fail to result from a joint action on the part of the British and Portuguese naval forces in Portuguese waters, with a view to the suppression of a slave traffic which has been admittedly carried on for many years past almost with impunity.

With regard to the satisfactory arrangements which you state that Captain Elton has succeeded in making with the Portuguese authorities for the provisional reception of freed slaves at Mozambique, I am to observe that Lord Derby will defer expressing an opinion on this matter until he is informed of the nature of the arrangements in question.

I am, &c.,

Captain W. F. Prideaux.

ROBERT BOURKE.

Dr. Kirk to the Earl of Derby.—(Received May 4.)

MY LORD,

Zanzibar, March 20, 1875.

SINCE the arrival from Europe of the French Consul, M. de Gaspary, he soon discovered that the French flag was notoriously and systematically used by the Arabs and half-castes on the East Coast as a screen for the conveyance of slaves destined for sale, and determined to make an example of the first serious case. It was not long before evidence was produced that two Arabs had successfully run cargoes of slaves from the neighbourhood of Pangani to the Island of Pemba; and on the confession and conviction of the culprits, the French Consul condemned them to receive 25 lashes each, and a year's confinement in the Sultan's prison in chains, and notwithstanding the expressed unwillingness of His Highness to inflict such punishment upon Arabs and co-religionists, insisted on the sentence being carried out in its integrity.

The men were accordingly publicly flogged in the presence of the cavasses of the French Consulate, on the square in front of the Sultan's palace, and are now working in the chain-gang of

prisoners employed on public works,—a severe example to Arabs guilty of similar practices.

It is not only in this matter that I would express my sense of the assistance we are receiving from M. de Gaspary in our efforts to thoroughly suppress the East Coast sea-traffic, but as well in the action which he has adopted of passing a personal inspection of all dhows under the French flag, both on arrival and on departure from Zanzibar. All irregularities are at once checked and punished by such a system ; and in several cases M. de Gaspary has gone so far as to refuse papers to suspected vessels and parties, and forward his reasons for so doing to Mayotte and Nossi Bé, from which Colonies the craft had originally sailed and been registered. Although by so doing M. de Gaspary has probably placed himself in antagonism with the French colonists to the South, whose planting interests and necessities, I have reason to fear, often induce them to patronise forced labour, yet I should wish to be the first to bring to your Lordship's knowledge the importance of the effect which I feel certain this energetic action of the French Consul will exercise on the Arab mind.

In conclusion, I would venture to observe that the French flag, by the measures now initiated, is already regarded with more respect and with less jealousy by all interested in the welfare of the East African Coast and surrounding islands.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

Dr. Kirk to the Earl of Derby.—(Received May 4.)

MY LORD,

Zanzibar, April 8, 1875.

IN continuation of my report of March 20, I have the honour to state that, having until the present time detained in close confinement Mohedin bin Seyd Hassan, owner and master of the Johanna vessel *Amxnet Ullah*, seized on the 9th March, and condemned on the ground of slave-dealing as No. 12 of 1875, on this Court file, I now send the prisoner to Johanna to be dealt with by King Abdullah.

I inclose copy of my letter addressed on this subject to that Chief, in which I have demanded that an example should be made of this individual.

I take this occasion to suggest for the consideration of your Lordship whether it would not be advisable, seeing that the Islands of Johanna and Grand Comoro are within monthly communication with this Consulate-General, and have no regular relation with any other port, it might not facilitate my endeavours to obtain punishment in such cases as the present were I to be accredited in a manner more or less official, and authorized to hold the relations

which I now practically am forced to do, without such authority. As the greater part of all slave-dealers now caught are either Grand Comoro or Johanna men, and as severe punishment inflicted upon the chief men engaged in such venture seems the most certain way of forcing them to abandon the traffic, I shall, on the first occasion, visit these islands, with a view to making this more generally known.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

(*Inclosure.*)—*Dr. Kirk to the King of Johanna.*

SIR,

Zanzibar, April 8, 1875.

I HAVE the honour to inform your Excellency that I send by the present mail-steamer, under the care of Captain Hansard, Mohedin bin Seyd Hassan, a native of Grand Comoro, owner and master of the Johanna dhow or vessel *Amanet Ullah*, sailing under your Excellency's pass and flag.

As the clearest proof has been brought before me that this individual has been guilty of slave-trading under your flag, and as his connection with the Slave Trade is notorious for some time back, and has been shown by letters found in his possession, I have, in sending him to you, to demand the infliction of such punishment as the offence deserves.

I cannot conceal from your Excellency that correspondence lately found on board of slave-vessels shows beyond all doubt that the Islands of Grand Comoro, Mohilla, and also Johanna, still import slaves, both for domestic use and transhipment to neighbouring settlements.

It is, moreover, notorious that Comoro men generally are the greatest slavers in these seas, now that the trade with Arabia has been stopped; and as I have confidence in your own loyalty, and fully believe that you personally are willing and ready to assist Her Majesty's Government to prevent the Traffic in Slaves, I have to ask you to punish the present offender.

I shall forward copy of this letter and of any reply you may be pleased to make, for the information of Her Majesty's Government, and I shall ask the Senior Naval Officer to call at Johanna and personally communicate with you on this matter.

I have, &c.,

The King of Johanna.

JOHN KIRK.

Dr. Kirk to the Earl of Derby.—(Received May 4.)

MY LORD,

Zanzibar, April 9, 1875.

WITH reference to the mention made in my Report of March 20, regarding two men of Grand Comoro, owners of the slave-vessel condemned here as No. 11 on the 9th ultimo, I have now the

honour to state that the one—Abderahman bin Sultan Ahmed (Amadi)—is son of the Sultan Amadi of Moroni, in the Island of Grand Comoro, with whom an engagement was entered into on July 29, 1861,* for prevention of the Slave Trade. The other is a near relative of the same, married to his daughter. The Comoro man seized, but released, from a slave dhow, as reported by Captain Prideaux in his letter of October 7, 1874, was also son of Sultan Amadi; he has left Zanzibar and returned either to Grand Comoro or the French settlement of Mayotte.

I am informed that Sultan Amadi, although still alive, is now about 80 years of age, and has virtually retired from the Chieftainship; but that neither of the sons with whom we have had to do have any chance of the succession, which follows the side of the first wife.

I learn that in Grand Comoro there are 3 coast towns accessible to native craft, viz., Mitsamhuli, Itsanda, and Moroni. Formerly the Moroni Chief was senior in the island; now the chief power and position seems to have passed to Musa Fumu of Itsanda, successor of Bana Fumu, now dead, with whom the Treaty of 1854† was entered into.

Moroni is the only place in the island where native vessels are owned and passes issued.

In questioning the two men now in my hands regarding the Government of the Island, I learn that, although each Chief is independent of the other, their disputes are generally settled by reference to the French Governor of Mayotte, but that at Itsanda, if not also at Moroni, the flag hoisted is that of Seyyid Burgash of Zanzibar. Although, therefore, the Sultan of Zanzibar disowns all jurisdiction in the island, this is sufficient to dispose of any objections that have been raised to his punishing Comoro men at Zanzibar.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

Dr. Kirk to the Earl of Derby.—(Received May 4.)

MY LORD,

Zanzibar, April 9, 1875.

I HAVE the honour to report the return of Her Majesty's ship *Thetis*, from Mozambique, and to inform your Lordship that Captain Ward, acting upon the arrangement made by Captain Elton with the Governor-General of Mozambique, has succeeded in capturing and destroying another large slave-vessel in the Portuguese creeks, making 3 in all taken under the Concession.

These cases have been placed in this Court, and although, as yet, no hearing has taken place, there can be no doubt that the

* Vol. LVIII. Page 447.

† Vol. XLVI. Page 1065.

vessels were actually waiting to ship slaves known to be collected in the immediate vicinity, and that by their seizure, through the energy of Captain Elton and of Captain Ward, a severe blow has been struck at the Slave Trade.

I mention this in anticipation of the final hearing of the cases in Court, which is delayed owing to work at mail time, as I understand the Governor-General has reported his action in allowing Her Majesty's ship *Thetis* to act in this special case in the rivers and creeks, and it is of importance that the Portuguese Government should know of the success of the steps taken.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

Mr. Lister to Dr. Kirk.

SIR,

Foreign Office, May 17, 1875.

I AM directed by the Earl of Derby to express to you his Lordship's approval of your intention to send to Johanna, for punishment, the owner of the Johanna vessel taken by Her Majesty's ship *Rifleman* off Madagascar, Case No. 12, as reported in your despatch of the 20th of March.

I am, &c.,

Dr. Kirk.

T. V. LISTER.

Dr. Kirk to the Earl of Derby.—(Received May 31.)

MY LORD,

Zanzibar, April 27, 1875.

I HAVE the honour to report that His Highness, before setting out on his intended voyage to Europe, has executed a formal deed, freeing, after his death, all his slaves, those employed as agricultural labourers alone excepted.

In order to secure these benefits to his servants, he has sent the original document to me for registration, and I have also attested his handwriting.

As very many, if not most, of the slaves whose freedom is thus eventually secured came to the present Sultan by inheritance on the death of his brother, and were reckoned as a debt to the estate, part of which was paid to the other members of the family, the present deed will, if acted on and enforced as it now may be in an Arab Court of Law, secure the benefit of freedom to a very considerable number of individuals, and the public way in which I have induced His Highness to do it will serve as an example to be followed by others.

I annex copy of this deed in translation for your Lordship's information.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

(*Inclosure.*)—*Deed executed by the Kadhi.*

My master the great King Burgash bin Saeed (may God keep him) has made a will freeing all his slaves who may remain after his death, Georgians, Abyssinians, Baluchis, Nubians, people of Grand Comoro and of East Africa, who speak Arabic, all who dwell in the town, and who are sailors, engineers, or stokers, and all others, whoever they may be, male or female, the slaves on the plantation and in the environs excepted, all shall be free after his death, and this is done that he may obtain acceptance of God, and in His name, and that he may escape from punishment. And his heirs shall not interfere with any of these slaves after his death, unless as becomes the duty of a ^{patron}trustee (*wila*), and should any of those so freed have to receive anything under a deed executed by the hand of one duly appointed, such as a Kadhi, and signed in His Highness's own handwriting, this must be received and given effect to, and this is a legal testament.

Dated the 19th night of Rabia el Awal, of the year 1292.

Written by his servant by order.

MUBARAK BIN KHALFAN BIN MOHAMMED

EL-O'SAJI (with his own hand).

This is true, written by the poor in God's sight.

BURGASH BIN SAEED (with his own hand).

Witnesses:

HUMUD BIN SEIF BIN M'SELLIM EL-FRAI.

MOHAMMED BIN SULEIMAN BIN SAEED EL-MUNDHERI.

ALI BIN AMR BIN SEIF EL-MUSKERI.

Dr. Kirk to the Earl of Derby.—(Received May 31.)

MY LORD,

Zanzibar, May 3, 1875.

IN continuation of my despatch of April 8 to your Lordship's address, I have now the honour to forward the reply of Sultan Abdullah of Johanna to my letter of April 8 regarding the notorious slave-dealer Mohedin bin Seyd Hassan, master and owner of the *Amanet Ullah*, condemned in this Court as No. 12 of 1875.

Abdullah's letter will show how little he is disposed to aid us in punishing offenders even in such a case as the present, where the individual had obtained his flag. No one, however, knew better than Abdullah, who is himself the largest slave-owner in the Island of Johanna, and whose operations as sugar-planter and hirer out of slave-labour depend on the supply of slaves, what had been the career of Mohedin up to the time of getting his pass and flag, and he seems to have been singularly cognizant of the letter mentioned by him from the "gentleman at Kilwa," which letter I may remark was addressed to Mohedin when owner of the *Amanet Ullah*, and

had reference to a proposed shipment of slaves for the Comoro Islands, of which Johanna is one.

I beg to direct your Lordship's attention to the reference to native testimony so very needlessly introduced into Abdullah's letter as showing how little justice could be expected by freed slaves if landed in Johanna, for the Sultan says, "our law never allows a nigger to swear as witness, for he was never born to tell the truth." If popular opinion here were to be asked, the King of Johanna ought certainly to be a good judge of lies, for his people, few as they are, have an unenviable repute in the East.

My reply to King Abdullah will show that I sent the case of Mohedin rather for the purpose of testing him than securing the punishment of the offender, which I might have done more easily on the spot had that been my sole object, for his Highness Seyd Burgash is not backward to assume the powers his position justifies as paramount Mohammedan ruler of these parts.

I inclose for your Lordship's information the summing up of evidence given in Court in this case, and in event of appeal the proceedings will be transmitted in the manner required by the Act.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

(Inclosure 1.)—*The King of Johanna to Dr. Kirk.*

[Printed literally.]

SIR,

Johanna, April 23, 1875.

I HAVE received your letter of the 8th of April last, also Mohedin-ben-Seid Hassan has arrived. I was very sorry when I learned that one of my dowses, named *Amanet Ullah*, was destroyed at Madagascar, by one of Her Majesty's ships, named *Rifleman*. You wished for me to punish the master of the dowe for having been dealing in slaves. I had him tried before my Court of Justice, but could not find any proof against him whatsoever that he has had anything to do in slave-trading, or has had any connection in the Slave Trade on his last voyage, when the dowe was destroyed. I had him also tried about those letters that were found in his possession about slave-trading; but he stated that those letters had been written about 8 or 9 years ago, during the time that he had connection in the Slave Trade, being at that time a subject, and under the protection, of the Sultan of Zanzibar; also a letter which he received from a gentleman in Kilwa, asking him whether the above-mentioned dowe was going to carry slaves, if so, that he would receive some slaves for him in Keeunga, and bring those slaves to Mohilla, whereupon Mohedin-ben-Seid Hassan answered to him, that his dowe could carry no slaves, for the Sultan of Johanna had made him take an oath never to carry any slaves as long as he

was under the Johanna flag or same protection. And as much as I can find out is, that there were two deserted nigars, formerly belonging to a French dowe, that went on board of Her Majesty's ship *Rifleman*, and reported that the before-mentioned dowe had landed slaves some 10 days ago. I do not think that it was right for the commanding officer on board of Her Majesty's ship *Rifleman* to believe what those nigars said, for our law never allows a nigar to swear as witness, for he was never born to tell the truth. Also, at the time when the dowe was taken and destroyed, she was taken from the beach of Madagascar by some of the officers of Her Majesty's ship *Rifleman*, at same time having no masts in her, being repairing and laying upon the beach two months long; so if this should be the case, I do not think there was any right to destroy the dowe. And as you have informed me that the Islands of Grand Comoro, Mohilla, and Johanna still import slaves, both for domestic use and transshipment to neighbouring settlements, in regard to Comoro and Mohilla, I do not know anything about, but Johanna, I must inform you, that there is no slave-trading going on whatsoever, for any inhabitant of Johanna who is in possession of a dowe or any dowe that is under the Johanna flag or protection must take an oath before me, never to have anything whatsoever with slave-trading, and if I should find any man breaking his oath, his punishment and sentence would be nothing else but death. Further I am always willing and ready to assist Her Majesty's Government to prevent slavery or anything else that should be in my power.

I shall be very glad if the senior naval officer should come to Johanna, so that I could communicate personally with him, as it is impossible for me to express myself in a letter as I wish to, and hope for you to excuse the bad writing of this letter, for there is nobody here at the present moment that is well educated in the English language. I shall forward a letter to England so as to inform Her Majesty's Government about above-mentioned matter.

I remain, &c.,

Dr. Kirk.

SULTAN ABDALLAH, *King of Johanna.*

(*Inclosure 2.*)—*Dr. Kirk to the King of Johanna.*

SIR,

Zanzibar, May 3, 1875.

I HAVE the honour to acknowledge the receipt of your letter of April 23, informing me you profess to have tried Mohedin bin Seyd Hassan, and finding no proof he had any connection with the Slave Trade on his last voyage, have summarily released him without reference.

Without further discussing this question with you, permit me to observe that, in sending your protégé to Johanna for punishment, I did so neither as matter of necessity or justice, as he had been

already tried and convicted before me, and one of the offences of which he had been guilty having been committed at Madagascar, I might with more propriety have sent him to be dealt with by the local authorities. Had his punishment been my sole object, I might also more easily have secured that here through His Highness Seyd Burgash in virtue of his being a native of Grand Comoro, and on account of the many offences of which, for a series of years, he had been guilty.

I now forward a copy of your reply for the information of Her Majesty's Government.

I have, &c.,

The King of Johanna.

JOHN KIRK.

(Inclosure 3.)—*Extract from Minutes of Court.*

By the Court:—

As regards the case of the *Amanet Ullah*, the direct proof of slave-dealing by the owner and master in this vessel rests on the testimony of two independent eye-witnesses, but being natives their evidence, unless in some way corroborated or rendered probable, might be considered insufficient, and if totally unsupported would not justify condemnation.

We have, however, had undisputed evidence in the shape of documents found in the keeping of the master, who is also the owner of this vessel, that he has devoted the last 8 or 9 years of his life to the Slave Trade, and is so well known as a purveyor of slaves that orders have been regularly sent to his address from the Comoro Islands and Zanzibar. It is not necessary minutely to scrutinize his slave-trading operations from Kilwa to Zanzibar, as shown in these papers, for at that time there was a limited Slave Trade permitted to the Sultan of Zanzibar, but restricted to his subjects, which this man it may be noticed was not; the Comoro and Madagascar trade in slaves was, within all the dates of the letters, strictly and absolutely forbidden, and in this branch of the traffic Moheddin was chiefly engaged.

Accepting as true the statement given that the present vessel had been recently purchased, we have one letter to show that he was after that time regarded by his friends and correspondents as still in the Slave Trade, and the fact of his keeping this letter is presumptive proof that he acted on it.

Under these circumstances, therefore, the direct evidence of two witnesses gains a weight that otherwise would not attach to it, and a decree of condemnation will be given by this Court.

JOHN KIRK, *Her Majesty's Agent and*
Consul-General, Zanzibar.

Acting Consul-General Holmwood to the Earl of Derby.—(Received June 28.)

(Extract.)

Zanzibar, May 29, 1875.

I HAVE the honour to inform your Lordship that Her Majesty's ship *Flying Fish*, Captain Crohan, returned from a cruize to the southward on the 24th instant, having captured two vessels engaged in the Slave Trade off the coast of Madagascar.

One of these having been placed in Court and condemned by me is fully reported upon in a separate letter; the other was that of a dhow named *Fatal Kheirs*, having French colours, which was boarded in order to verify her papers.

These were found to be in order, but certain slaves came forward stating that they were being transported for sale, and that 3 of their number had already been sold near Majunga for some bullocks.

These statements were fully confirmed by the crew, and as, moreover, slave-irons were found on board, Captain Crohan, considering that he had ample grounds for detaining the vessel as a slaver, took her into Mayotte and handed her over to the Governor of that island, who received her into his custody for adjudication, and also duly received Captain Crohan's affidavit and the written evidence he produced.

The mail-steamer has since arrived from Mayotte, and I have heard unofficially that the dhow's certificate has been cancelled, and that she is at present employed as a hulk in Mayotte harbour.

I trust, therefore, it may be found that she was condemned by the French authorities.

The Earl of Derby.

FREDc. HOLMWOOD.

Acting Consul-General Holmwood to the Earl of Derby.—(Received June 28.)

MY LORD,

Zanzibar, May 27, 1875.

IN continuation of Dr. Kirk's despatch of the 3rd instant, I have the honour to inform your Lordship that, as soon as Sultan Abdulla of Johanna found that Dr. Kirk had tried and convicted the slave-dealer Mohedin-bin-Seyd under his Vice-Admiralty jurisdiction here, he, in presence of Captain Ward, of Her Majesty's ship *Thetis*, had that person put in irons and publicly conveyed to prison, at the same time issuing a proclamation to his subjects declaring that all acts of slave-dealing would in future be visited with severe punishment.

This news was brought by Her Majesty's ship *Flying Fish*.

I have, &c.,

The Earl of Derby.

FREDc. HOLMWOOD.

The Earl of Derby to Dr. Kirk.

SIR,

Foreign Office, June 28, 1875.

WITH reference to your despatch of the 27th of April last, reporting that the Sultan of Zanzibar, before setting out on his voyage to Europe, executed a formal deed freeing after his death all his slaves, with the exception of those employed in agricultural labour, I have to instruct you to take an opportunity of expressing to the Sultan the gratification with which Her Majesty's Government have learnt this act of liberality on the part of His Highness.

I am, &c.,

Dr. Kirk.

DERBY.

The Earl of Derby to Dr. Kirk.

SIR,

Foreign Office, August 17, 1875.

I TRANSMIT to you the Queen's ratification, under the Great Seal, of a Treaty between Her Majesty and the Sultan of Zanzibar (supplementary to the Treaty for the Suppression of the Slave Trade of the 5th June, 1873*), which was signed at London on the 14th of July last, by myself and Nasir-bin-Said Abdallah, and I am to request that you will present the same, in the proper form, in exchange for the ratification of the Sultan, which was attached to the Treaty at the time of its signature.

Printed copies of the Treaty are also inclosed.

I am, &c.,

Dr. Kirk.

DERBY.

(*Inclosure.*)—*Treaty between Her Majesty and the Sultan of Zanzibar, supplementary to the Treaty for the Suppression of the Slave Trade of June 5, 1873.—Signed at London, July 14, 1875.*

[See Page 89.]

Acting Consul-General Smith to the Earl of Derby.—(Rec. Sept. 28.)

MY LORD,

Zanzibar, August 28, 1875.

I HAVE the honour to inform your Lordship that, just as the mail is closing, I have received news that the Arab authorities at Mombasa have seized a dhow engaged in the Slave Trade, which, sailing from Pangani to Pemba, was driven into Mombasa by stress of weather. She had 67 slaves on board, which she landed at Klindini, to the south of Mombasa, and then came by the inner channel into the harbour quite empty. Her state excited suspicion, and the nakhoda was cross-examined, and confessed. The slaves have not yet been traced, but the names of all concerned in this illegal matter are known. The Arab authorities, on my requisition, are taking energetic steps for their apprehension and punishment,

and they have also decreed the destruction of the dhow in Mombasa harbour. I have expressed my acknowledgments to the officials at Mombasa for their action in the matter.

I have, &c.,

The Earl of Derby.

C. B. EUAN SMITH.

The Earl of Derby to Dr. Kirk.

(Extract.)

Foreign Office, September 29, 1875.

I TRANSMIT to you herewith Her Majesty's commission appointing you to be her Consul within the Comoro Islands.

You will take an opportunity of communicating this appointment to the Sultan of Johanna and other Chiefs of the Comoro group, in order that your position may be regularly recognized by them.

Dr. Kirk.

DERBY.

Dr. Kirk to the Earl of Derby.—(Received October 16.)

MY LORD,

Zanzibar, September 20, 1875.

I HAVE the honour to report having this day presented, in the proper form, in open Durbar, and in presence of the Arab Chiefs, the Queen's ratification of the Treaty between Her Majesty and the Sultan of Zanzibar, which was signed at London on the 14th of July last.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

Mr. Lister to Dr. Kirk.

SIR,

Foreign Office, October 18, 1875.

I AM directed by the Earl of Derby to instruct you to express to the Arab authorities of Mombasa, through the proper channel, the satisfaction of Her Majesty's Government at the steps taken by them in the suppression of the Slave Trade, as reported in Major Smith's despatch of the 28th of August.

I am, &c.,

Dr. Kirk.

T. V. LISTER.

Dr. Kirk to the Earl of Derby.—(Received December 14.)

MY LORD,

Zanzibar, November 12, 1875.

I HAVE the honour to report that, having ascertained that an Arab of Nejed had escorted a large gang of slaves from Kilwa by land to Pangani, whence they were shipped to Pemba and sold, the purchase-money being made payable in Zanzibar by draft on an Indian, I made inquiry, and, finding that part only of the draft had been paid, stopped the remainder, by informing the Indian that he might find himself awkwardly placed if, after notice, this should prove to be, as I knew it was, the price of slaves.

The Indian showed satisfactorily enough that an Arab of Pemba,

in sending a cargo of cloves to his order, had drawn against the same in favour of this Arab for 500 dollars, and that there was nothing on the face of the transaction to make him think it was other than a legitimate business transaction.

On communicating my information to His Highness, although I had no legal proof, and dare not disclose my informer's name or how the intelligence had been obtained, the Arab was arrested and placed in prison, where he remains; for he cannot explain how he, a poor man and a stranger, came honestly possessed of the 500 dollars, and I have shown that he was on his way now to Kilwa, no doubt to try another venture, in the hope of its proving equally profitable.

My action in this case has produced great effects among slave-dealers, who find that their operations are being traced, and themselves made marked men, so as to render their future detection a very much more serious matter. I am told that, in consequence, this gang has been broken up, and several others abandoned slave journeys to Kilwa.

The slave-dealers, however, always ready to seize the occasion, are now diligently circulating a report that the trade will be revived, in consequence of the occupation by the Egyptians of the Juba, and that the British are unable to take forcible measures against them; that Egypt will back up the Slave Trade if they once get a footing in the country, and that they deserve all the sympathy as Mussulmans of the same sect as the people of Zanzibar.

I have, &c.,

The Earl of Derby.

JOHN KIRK.

MADAGASCAR.

The Earl of Derby to Consul Pakenham.

SIR,

Foreign Office, January 20, 1875.

ON the 30th November last I instructed you to express to the Hova Government the great satisfaction with which Her Majesty's Government had learnt the Hova Proclamation of the 2nd of October,* ordering the emancipation of all Mozambique slaves introduced into Madagascar since 1865, and I have since received your despatch of the 2nd of November,† stating the causes which, in your opinion, influenced the Hova Government in issuing this Proclamation.

Whatever may have been the inducements which caused the Hova Government to take this step, there can be no doubt that it will have a most important effect on the Mozambique Slave Traffic, if the Hova policy of preventing the introduction of slaves from the

* Vol. LXV. Page 569.

† Vol. LXV. Page 568.

mainland of Africa into Madagascar is carried out in good faith ; and I shall be glad, therefore, to hear from you, from time to time, the results of this Proclamation, not only with reference to the emancipation of slaves already imported into Madagascar, but also as regards any future importations.

I have only to add that I approve your note to the Hova Chief Secretary of State, a copy of which accompanied your despatch of November 2 referred to, and that it will be your duty to encourage, and to assist by all proper means in your power, the efforts of the Hova Government to carry into effect the abolition policy which they have so recently adopted.

I am, &c ,

T. C. Pakenham, Esq.

DERBY.

Consul Pakenham to the Earl of Derby.—(Rec. August 6.)

MY LORD,

Tamatave, May 5, 1875.

I HAVE the honour to transmit herewith, for your Lordship's information, copies of letters addressed by me to the Hova Governor of Tamatave and to the Chief Secretary of State at Antananarivo.

The case of Ledy appears very clear, and I feel certain that his statement as regards the time at which he was landed at Majunga, and there sold to and purchased by his present master, a Hova nobleman at the capital, is in every respect true. But I feel equally sure that Ledy will be made to disappear, and that the usual answer will be returned by the Governor of Tamatave that he is not to be found.

With reference to my letter to the Hova Chief Secretary of State I consider it my duty to submit, for your Lordship's consideration, that to the best of my knowledge and belief the Queen of Madagascar's Decree of the 2nd of last October is a dead letter as far as practical results are concerned, as I have not been able to discover that a single Mozambique has been liberated in consequence of its promulgation, but I shall only be too happy to find myself wrong in the conclusions I have come to on the subject.

But it cannot be denied that a very general impression prevails in Madagascar, that so long as the present Hova Chief Secretary of State remains in office, slaves from beyond sea will continue to be imported into this island. Indeed, I have been lately assured, by parties who have no interest in misleading me, that almost simultaneously with the publication of the Decree of the 2nd October, 1874, the Hova Chief Secretary of State appointed several Arabs to offices of trust on the West Coast of Madagascar, thus facilitating their means of carrying on the Slave Trade.

Under these circumstances, and in presence of the evident bad faith of the Hova Chief Secretary of State in carrying out the Treaty engagements of his Government, I venture to submit, for your

Lordship's favourable consideration, the desirability, as appears to me, of a searching inquiry being instituted into the present condition of the Slave Trade from beyond sea in Madagascar, the measures adopted by the Hova Government for its suppression, and the results obtained by the promulgation of the Decree of the 2nd October last, more particularly with reference to the number of Mozambique slaves liberated under its provisions.

I beg further to recommend, in the event of this course being approved by your Lordship, that the Naval Commander-in-chief on this station be associated with me in this inquiry, and that the Hova Government be invited to send two Commissioners of corresponding rank to be present and represent them on the occasion; the whole proceedings of the Commission to be reduced to writing and submitted to your Lordship.

It only remains for me to add, in the event of this recommendation being entertained by your Lordship, that the most favourable season for the arrival of the flag-ship at Tamatave would be the commencement of September, and that by receiving a telegram from the Foreign Office, despatched to the care of the Governor of Mauritius, conveying to me your Lordship's instructions on the subject, I should be able to make the necessary arrangements prior to the arrival of Rear-Admiral Macdonald.

I have, &c.,

The Earl of Derby.

T. C. PAKENHAM.

*(Inclosure 1.)—Consul Pakenham to Rainifiringia, Governor of
Tamatave.*

SIR,

Tamatave, May 5, 1875.

I HAVE the honour to inform your Excellency that a Mozambique, stating his name to be Ledy, and that of his present master Rainimena, 11vtra of Tananarivo, declared to me this morning, in presence of witnesses, that he had only been 3 years in Madagascar, having been landed at Majunga, and sold to, and purchased as a slave by, his present master within that time.

I have therefore the honour to request and require that Ledy may be detained at Tamatave pending reference to the Hova Government at Tananarivo.

I am, &c.,

The Governor of Tamatave.

T. C. PAKENHAM.

*(Inclosure 2.)—Consul Pakenham to the Chief Officer of State
Rainimaharavo.*

SIR,

Tamatave, May 5, 1875.

I HAVE the honour to inform your Excellency that this morning a Mozambique, stating his name to be Ledy, and that of his master to be Rainimena, 11vtra, a Hova nobleman of Antananarivo, de-

clared, in presence of witnesses, that he had been landed at Majunga, and sold to, and purchased by, his present master as a slave only 3 years ago.

In reporting this case to your Excellency, I desire to invite your attention to the fact alleged by Ledy that his present master is a Hova officer of rank and position at the capital, from which it may be inferred that even at Antananarivo, the seat of the Hova Government, the Decree of the 2nd of last October, as far as practical results are concerned, has already become a dead letter.

As I have no power to conceal this state of things from Her Britannic Majesty's Government, but as I desire, at the same time, to report matters impartially and dispassionately, I shall feel obliged by your Excellency causing me to be furnished, with the least possible delay, with the following particulars :—

1. Total number of Mozambique slaves owned by the Malagasy.
2. Number introduced into Madagascar since the conclusion of the British Treaty in 1865.
3. Number liberated in virtue of the Decree of October 2, 1874.
4. Their names.
5. The names of their former masters.
6. How many of these slaves have elected to remain in Madagascar.
7. In what districts they have settled.
8. The form of pass delivered to them establishing their freedom.
9. How many have elected to leave Madagascar.
10. Their names.
11. At what ports they have embarked.
12. For what destination.
13. Names of vessels on which they have taken passages.

As regards the case of Ledy, I beg to inform your Excellency that I have this day addressed an official requisition to the Governor of Tamatave to the effect that Ledy be detained at the Battery pending your Excellency's instructions as to the prosecution of this case before me.

I remain, &c.,

Chief Officer of State Rainimaharavo.

T. C. PAKENHAM.

Mr. Lister to Consul Pakenham.

SIR,

Foreign Office, August 12, 1875.

I AM directed by the Earl of Derby to acknowledge the receipt of your despatch of the 5th of May, stating that, so far as you can ascertain, the Decree recently issued by the Queen of Madagascar for the emancipation of all slaves introduced into the island since 1865 has become a dead letter, owing to the negligence of the Hova authorities in seeing to its being properly carried out.

Lord Derby approves of the communications which, as reported

in your despatch now under reply, you have addressed to the Hova Government on this subject; but, before forming any opinion as to the necessity for the formation of a Commission of Inquiry, such as that suggested by you, his Lordship would wish to be furnished with all the detailed information and proof which you can yourself collect, and I am to instruct you to prepare and send home a report accordingly.

The Lords of the Admiralty have been requested to instruct the naval officers visiting Madagascar waters to send in similar reports.

I am, &c.,

T. C. Pakenham, Esq.

T. V. LISTER.

Consul Pakenham to the Earl of Derby.—(Received December 11.)

MY LORD,

Tamatave, July 15, 1875.

WITH reference to my despatch of the 5th May, I have now the honour to inclose, for your Lordship's information, a copy of the Hova Chief Secretary of State's reply to my letter, a copy of which was transmitted in the above-mentioned despatch.

As I fully anticipated, the Mozambique Ledy was made to disappear, and, after the fact of such disappearance had been fully ascertained, the Hova Chief Secretary of State sent his reply to my letter, which speaks for itself and requires little comment at my hands, beyond my submission that it does not contain a single answer to any one of my questions.

In conclusion, I beg to represent that the steps which I am taking to ascertain by what means the Slave Trade from beyond sea is still being carried on in Madagascar, I fear with the full knowledge and connivance of certain leading members of the present Hova Government, must, in my opinion, shortly result, not only in the discovery of the implicated parties, but also in a full exposure of the whole system under which this abominable traffic is continued.

I have, &c.,

The Earl of Derby.

T. C. PAKENHAM.

(Inclosure.)—The Chief Secretary of State Rainimaharavo to Consul Pakenham.

SIR,

(Translation.)

Ambohimanga, June 6, 1875.

I HAVE received your letter written on the 5th May, speaking of the Mozambique Ledy, slave of Rainimena 11vtra, Andriandaly, and reporting that he was quite lately brought from Majunga, and that he was sold and then bought by his present owner; also that this took place 3 years ago.

And this is what is answered. I tell you that from the time of my receiving your letter I have caused the man named Rainimena

to be searched for, but still, although many persons bear that name, yet no one is known answering to your description; wherefore I wish that the Governor of Tamatave and yourself should examine Ledy in the following manner:

1. What is the real name of Rainimena Ilytra?

2. What is the particular quarter or suburb of Antananarivo in which his house is?

After you have obtained the answers to these questions, please inform me of them quickly.

In your letter you state that even in Antananarivo, the seat of the Hova Government, the law which was made on the 2nd October last has already become a dead letter.

The following is my answer to that:—In the capital of every civilized nation it cannot be prevented that there be thieves there who have stolen the property of others; nevertheless, those thieves are not known. Does the non-acquaintance with the names of those thieves cause the law to be a dead letter? The case of Rainimena is exactly similar. Our ignorance of him and of his breaking the law (even should he have been bold enough to do that) does not make the law a dead letter.

And I tell you that you ought not to make use of such an expression, for you astonish me by venturing to do so, seeing that the Madagascar and the British Governments are on friendly terms.

And for the present it cannot be known for certainty whether Rainimena Ilytra has really done what he is accused of by Ledy, or whether Ledy brings a false charge against him because he wishes to become free.

And on account of your friendship for myself, I will put you in possession of the answers to the 13 questions in reference to the Mozambiques.

And now I tell you. I am not able to lead you to hope that you will get them, for there is the law, the very law you have seen respecting the Mozambiques; and if any Malagasy breaks it, he shall be condemned according to the law.

I visit you and say Good-bye; God bless you!

Says your friend,

T. C. Pakenham, Esq.

RAINIMAHARAVO.

Consul Pakenham to the Earl of Derby.—(Received December 11.)

MY LORD,

Tamatave, September 11, 1875.

WITH reference to previous correspondence respecting the presumed participation of several leading members of the present Hova Government in the Traffic of Slaves from beyond sea carried on at the capital of Madagascar, and more especially to my despatch

addressed to your Lordship on the 15th of last July, I have now the honour to submit, for your Lordship's information, the copies of 3 letters from me to the Hova Chief Secretary of State on the subject.

As will be seen from this correspondence, on the 30th ultimo 15 Mozambique slave children (8 boys and 7 girls) were discovered at Antananarivo in the possession of certain Arabs, who were endeavouring to sell them. Most of these children could neither understand nor speak Malagasy, but nevertheless it was ascertained that they themselves, as well as their Arab owners, had lately come over from Zanzibar to Madagascar.

Under these circumstances I considered it my duty to address the Hova Chief Secretary of State in the terms of the inclosures in this despatch, as it appears to me desirable that a searching inquiry into the circumstances of this case should take place at Tamatave, on perfectly neutral ground, away from all local influences attaching to the capital, where, I regret to state, it is generally reported that the Slave Trade from beyond the sea is not only countenanced and supported, but even shared in by several leading Hova officials.

Trusting that my proceedings in this matter will meet with your Lordship's approval, I have, &c.,

The Earl of Derby.

T. C. PAKENHAM.

(*Inclosure 1.*)—*Consul Pakenham to the Chief Secretary of State
Rainimaharavo.*

SIR,

Tamatave, September 10, 1875.

IN your Excellency's letter dated June 6, 1875, in answer to mine of the 5th of the preceding month of May, without replying to one single one of the queries contained in my letter respecting the emancipation of Mozambique slaves illegally introduced into and sold in Madagascar, your Excellency has seen fit not only to question the accuracy of my statements, but even my right to denounce "slave dealings" carried on under the very eyes of the Hova Government at Antananarivo, in defiance of the provisions of the British Treaty.

Your Excellency's correspondence on this subject shall be duly laid before the Earl of Derby.

I beg now to address your Excellency and to claim the immediate manumission and surrender to British authority in Madagascar of 8 Mozambique boys and 7 girls, which have lately been brought over to Madagascar from Zanzibar, and were at Antananarivo, I fear with the full knowledge of the Hova Government, on the 30th of August now last past.

I shall shortly have to claim other Mozambique children who

were introduced into the capital about the same time, and who have already been sold to different parties.

I purposely abstain from any comment on what has lately taken place at the capital. Facts speak for themselves more eloquently than anything I can say. But your Excellency's unfriendly attitude, especially of late, towards Her Britannic Majesty's Representative in Madagascar, as regards his repeated representations on the subject of the Traffic in Slaves from beyond the sea carried on at Antananarivo, a fact which has become public and notorious, appears to me to entail very great personal responsibility on your Excellency.

In conclusion, I beg most emphatically to protest against the admission of a plea which may possibly be raised by the Arab slave-dealers at the capital, that the Mozambique slave children lately introduced there by them are their domestic servants, and in support of this protest I beg to refer your Excellency to the terms of the British Treaty* (Article XVII) prohibiting the "landing" of slaves from beyond sea in any part of Madagascar.

I remain, &c.,

Chief Officer of State Rainimaharavo.

T. C. PAKENHAM.

(Inclosure 2.)—Consul Pakenham to the Chief Secretary of State Rainimaharavo.

SIR,

Tamatave, September 11, 1875.

I HAVE the honour to request that the Arabs concerned in the late Slave Traffic from beyond sea carried on at Antananarivo may be detained in custody pending a full and searching inquiry into the charges against them.

I have, &c.,

Chief Officer of State Rainimaharavo.

T. C. PAKENHAM.

(Inclosure 3.)—Consul Pakenham to the Chief Secretary of State Rainimaharavo.

SIR,

Tamatave, September 11, 1875.

WITH reference to my letter of yesterday to your Excellency, respecting certain slave dealings carried on at Antananarivo, the seat of the Hova Government, in utter defiance as well of the provisions of the British Treaty as of the Royal Proclamation published at the capital on the 2nd of last October, I have now the honour to require, in the name of Her Britannic Majesty's Government, that the Arabs concerned in the Traffic of Slaves from beyond sea, as well as the unfortunate Mozambique slave children found in their possession at Antananarivo on the 30th of August ultimo, may be sent to Tamatave, in order that a searching inquiry into this case may take place

on perfectly neutral ground, away from all local influences attaching to the capital.

The British Treaty is explicit as to the stipulated condition that no slave from beyond sea shall be landed in any part of Madagascar; I consequently opine that a direct violation of this provision cannot, under any circumstances, confer on the Hova authorities powers of jurisdiction over slaves illegally introduced into this island.

I therefore rely with confidence on your Excellency's ready compliance with the requests contained both in my letter of yesterday and in this communication, as, of course, any endeavour to disprove facts which have now become publicly notorious can only lead to very serious complications. I remain, &c.,

Chief Officer of State Ranimaharavo.

T. C. PAKENHAM.

Mr. Lister to Consul Pakenham.

SIR,

Foreign Office, December 20, 1875.

I HAVE laid before the Earl of Derby your despatches of the 15th July and 11th September last respectively, relative to the Slave Trade carried on between the Mozambique and Zanzibar territories and the Island of Madagascar, and to the alleged participation of certain Hova officials in this illegal traffic, and I am now directed by his Lordship to convey to you his approval of your proceedings, as therein reported.

I am further to instruct you to place yourself in communication with the Admiral or the Senior Naval Officer in command of Her Majesty's naval forces on the East African station, and to make a joint protest with that officer to the Hova Government against the violation of their Treaty engagements with this country, as evidenced by the proceedings to which you have already called their attention.

You will, at the same time, point out to the Hova Government that Her Majesty's Government have learnt these proceedings with regret and displeasure, and that they trust that stringent measures will be adopted both to prevent a recurrence of the slave dealings of which Her Majesty's Government have just cause to complain, and to ensure the adequate punishment of the parties implicated.

I am to add that the Lords of the Admiralty have been requested to instruct the naval officer in command of Her Majesty's naval forces on the East African station to co-operate with you in making a representation to the Hova Government in the sense above indicated.

I am, &c.,

T. C. Pakenham, Esq.

T. V. LISTER.

REPORTS FROM NAVAL OFFICERS.
EAST COAST OF AFRICA STATION.

Rear-Admiral Cumming to the Secretary to the Admiralty.

Glasgow, at *Trincomalee*, November 23, 1874.

FORWARDED for the information of the Lords Commissioners of the Admiralty. Although there seems little doubt that the dhow boarded was engaged in the Traffic of Slaves, Captain Ward acted perfectly correctly in dealing in the way he did with a vessel flying the French flag, having her proper papers, the only irregularity being that the name of the vessel given on an old passenger list differed from that on the "Aete de Francisation" and "Congé."

I forward Captain Ward's letter to their Lordships, as the case points out some of the difficulties experienced by our cruisers in attempting to suppress the Slave Trade on the East Coast; for it is an established fact that under the guise of the French flag a large traffic is carried on, especially between the coast and Madagascar, and this (as in the present instance) is done with little or no risk of interruption, owing to the absence of French cruisers.

Rear-Admiral Hall.

A. CUMMING.

(*Inclosure.*)—*Captain Ward to Rear-Admiral Cumming.*

SIR, Thetis, *Passandava Bay*, September 26, 1874.

I HAVE the honour to inform you that at 8.45 A.M. on 20th September, when off Bembatooka Bay, out of sight of land, I sent a cutter, in charge of a lieutenant, to board a dhow showing French colours. In a short time the lieutenant returned, bringing the dhow's papers with him for my inspection, pointing out that the name of the vessel as noted in these was the *Adara*, while on a passenger list she was called the *Fonhara*; and further reporting that he believed from the excessive anxiety which the captain showed to prevent his coming on board, and his decided refusal to open his hatches (in which he was no doubt perfectly right), that he was not an honest trader; and he added that he could distinctly hear sounds of something moving about below hatches, though the captain insisted that his cargo consisted of pots, which he was taking from Mozambique to Nossi Beh. I sent the papers back with directions to say that all was correct, and that I was perfectly satisfied.

At this time it was quite calm, and the *Thetis* proceeded to an anchorage off Bembatooka, where she arrived at noon.

At 1.30, a light breeze having sprung up from the westward, the dhow being still in sight, I sent the first lieutenant in the cutter with the galley in company, with orders to accompany the dhow to her destination, to watch her movements closely, and in the event of her attempting to land slaves, to interpose, informing her captain

that he must proceed with him to Nossi Beh, where he would be handed over to the French authorities.

I regret extremely that I did not decide upon this step sooner, as, had it been possible for my boats to have come up with her, I have every confidence in the judgment and tact of the officer that I sent to perform this duty, that it would have been so managed as to cause no complaint on the part of the French authorities. Unfortunately, however, for the success of the undertaking, a strong fair wind, with a heavy rolling sea, prevailed all the following night, so that the cutter and galley could not but have been outsailed by a very ordinary dhow, under such circumstances.

They continued, however, to follow in the direction of Nossi Beh all the next day and night, and on the third day fell in with the *Thetis*' pinnace, cruizing off Passandava Bay, from whom they learnt that the dhow had been boarded ten hours before, and that she has stated that the *Thetis* had already boarded her, and that she was bound to Ouram Sanga, whither the cutter in company with the pinnace at once proceeded, but, as might have been expected, saw nothing of the dhow.

The *Thetis* had in the meantime proceeded to Nossi Beh, where the boats joined her on the night of the 23rd, reporting the failure of their undertaking.

On the following morning I proceeded in the *Thetis* up Passandava Bay, where my boats boarded 10 dhows, but saw nothing of the one we had unfortunately allowed to slip through our fingers.

I have entered somewhat minutely into the circumstances of this case, which resulted in nothing, and concerning which I have nothing amounting to proof that slaves were being carried, in order to show the great additional difficulty which accrues to the suppression of the Slave Trade on this coast, in consequence of the possible use of the French flag covering it.

The suspicious circumstances against this dhow appear to be as follows:—

1. The difference of name, as stated on an old passenger list and on her papers, and the absence of any clearance papers from Mozambique; bill of health excepted.
2. The nervous anxiety shown by the captain to get rid of my officer.
3. The unaccountable sounds under hatches heard by the officer and boat's crew who first boarded her.
4. The statement made to the officer who first boarded her that she was bound to Nossi Beh.
5. The statement made to the officer who boarded her off Passandava that she was bound to Ouram Sanga.
6. The fact that she did not go to either place.

In conclusion I have only to add that, at the time of falling in with this dhow, I was particularly reluctant that anything should prevent the *Thetis*' immediate return to Zanzibar after picking up our remaining boats, our cruize having been already somewhat unduly extended by calms and foul winds on the West Coast; but, taking into consideration the injury that must be done to the cause of the suppression of the Slave Trade by its becoming generally known that a French dhow full of slaves (supposing such to have been the case) had been boarded by one of our cruisers and allowed to proceed unmolested, I was of opinion that the delay occasioned by endeavouring to prevent such a result ought, under the circumstances, to be incurred.

I have, &c.,

Rear-Admiral Cumming.

T. LE H. WARD.

Captain Sullivan to Rear-Admiral Cumming.

SIR,

London, Zanzibar, January 25, 1875.

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that in compliance with a request from Her Majesty's Acting Consul-General at Zanzibar, contained in his letter of the 15th instant (herewith inclosed), and, in consequence of threatened hostilities at Mombasa, between a large force under the rebel Akida Mohammed-bin-Abdullah and the troops of the Sultan acting under the Governor of the town, I directed Commander Tuke to proceed in the *Rifleman* to that place, for the purpose of providing protection to the lives and property of British subjects residing there, in the event of open collision between the two parties, and with orders to report to me by the earliest opportunity the state of affairs. I further ordered Lieutenant-Commander Gray, of Her Majesty's ship *Nassau*, to hold his ship in readiness to embark the Acting Consul-General and myself, with an additional force from the *London*, for conveyance to the scene of action, should subsequent intelligence be of so serious a nature as to require our presence in Mombasa.

A second communication from the Acting Consul-General having informed me that hostilities had actually begun, and that the town had been attacked and plundered by the rebel Akida, and also requesting that, as soon as the *Nassau* could be got ready for sea, Lieutenant Gray might be directed to provide him a passage to Mombasa, I at once ordered Lieutenant Gray to have his vessel ready to proceed to sea the following day for that purpose.

At noon on the 16th instant, the Acting Consul-General having embarked, I proceeded on board the *Nassau*, taking with me two companies of small-arm men, a field-piece and party, and the steam-cutter of the *London*, as a rocket-boat, and immediately after weighed and left for Mombasa, where, on our arrival the following

morning, we found the *Rifleman*. From her we ascertained that affairs had assumed a very serious aspect, that the rebel Akida was in possession of a strong fort which commanded the town, mounting, as we afterwards found, 41 guns, and from which he was harassing the opposite party, and that much property belonging to British subjects had suffered.

The ships having been anchored within shelling distance, it was then decided that the next day an ultimatum should be sent to the Akida, calling on him at once to surrender the fort on pain of bombardment by the ships and rocket-boats.

Early the next morning I despatched Lieutenant Gray, with the ultimatum from the Acting Consul-General, giving the Akida until noon to decide what he would do. Shortly before that hour, Lieutenant Gray returned to the ship bearing the Akida's refusal to submit, and declaring his readiness to fight. On receipt of this reply, the Acting Consul-General placed the matter in my hands, with a request that I would take the necessary steps for the reduction of the fort.

At 1 P.M., having sent one company of the *London's* small-arm men, under Lieutenant A. G. Hamilton, on board the *Rifleman*, and the rocket-boats of the *London*, *Rifleman*, and *Nassau*, under the command of Lieutenant W. Annesley, of the *London*, having taken up their position, I made the signal to engage the fort, when both ships and boats opened fire simultaneously, which was instantly responded to by the fort.

At 1.55 P.M. I signalled to weigh and close, when the *Nassau*, followed by the *Rifleman*, gradually approached the battery. At 2.30 P.M. the *Nassau*, being then about 350 or 400 yards from the fort, owing to the narrowness of the channel, anchored head and stern, the *Rifleman* taking up a position close outside her, both ships then opened fire on the fort with guns and small-arms, which the enemy replied to with round shot (which passed over the ships) and musketry; the latter was directed chiefly at the rocket-boats, which were being admirably handled by Lieutenant Annesley, who was then advancing to a position closer to the fort, to gain which he had to round the reef forming the narrow channel, and, consequently, pass close under the batteries. At 3 o'clock, finding that the guns on the sea-face of the fort were silenced, I directed Lieutenant Gray to weigh and proceed inside the reef, passing close under the fort, and at the same time as the *Rifleman*, on whose 6½-ton gun we were principally dependent for breaching, but which could not be brought to bear on the fort without firing over us, or the point of land, was still under weigh, I gave Commander Tuke permission to pass ahead of us whilst the *Nassau* was weighing. The ship now steamed up to within 200 yards of the fort; and although, from its

construction, it is doubtful if, at such close proximity, those inside could have depressed their guns sufficiently to strike either ship, still it is certain that the overwhelming fire at this short range from the small-arm men, on their decks, rendered it all but impossible for the enemy to serve their guns, or to show in the embrasures. Indeed, to this, and to the effect of the double shell from the heavy gun of the *Rifleman* (the projectiles from which breached the upper part of the wall wherever they struck) is mainly attributable the fact that no casualty of any kind occurred on board either of the ships or boats.

Both ships having passed the port, I was preparing to take up a position opposite the gates on the town side of it for the purpose of breaching them, and storming the place next day, when just as the *Nassau* opened the inner face of it, the Akida's colours were hauled down, on which I made a general signal to cease firing and anchor.

The same evening the rebel Akida came on board the *Nassau* and surrendered himself to me as a prisoner, and on the following day gave up the keys of his fortress.

The 19th was occupied in making arrangements for the safety of the Akida and his followers, and preparations for handing over the fort to the British force, who were to enter it the next day.

In the forenoon of the 20th I landed with the whole of the naval force at my disposal, viz., the small-arm men of the *London*, *Nassau*, and *Rifleman*, and, accompanied by Her Majesty's Political Agent, marched into the fort, where we were received by the defeated Akida, and after taking possession of it, and hoisting the flag of the Sultan, under a general salute, I transferred the possession of the fort to the Political Agent, who on our marching out of the place delivered the keys over to the Governor of Mombasa.

Having taken the Akida with a few of his followers on board the *Nassau*, for conveyance to Zanzibar, where they will be for the present detained under the protection of the British Representative, the *Nassau* and *Rifleman* the same afternoon weighed and left for Zanzibar, where they arrived the following day.

In conclusion, it is my pleasing duty to bring before your notice the praiseworthy and gallant conduct of the officers and men under my command without exception.

Where all behaved equally well it would be impossible to draw any distinction, were it not for the greater responsibility which devolved on some more than others, and in this manner I would especially mention my high appreciation of the conduct of Commander Stratford Tuke, of the *Rifleman*, and Lieutenant-Commander Gray, of the *Nassau*, as displayed in the skilful manœuvring of the vessels under their command during the action, and the gallant manner in which they took them past the port through a narrow

channel and under fire. I am also much indebted to Lieutenant Annesley, of this ship, who commanded the division of rocket-boats, as also to Lieutenant the Honourable Foley Vereker and Sub-Lieutenant Harry G. Grey, who under him commanded the cutters of the *Nassau* and *Rifleman*, and to Navigating Sub-Lieutenant J. W. Dixon, who throughout the action piloted them safely through the reefs.

Nothing could have been more admirable than the manner in which Lieutenant Annesley and these officers carried out the duties assigned to them, at one time under a heavy fire of musketry when closing the fort.

The loss inflicted on the Akida's troops may be roughly estimated at about 17 killed and 50 wounded, but we were unable to obtain any positive information on this point.

For a detailed account of the circumstances attending the insurrection against the authority of the Sultan of Zanzibar and the ultimate disposal of the Akida and his followers, I must refer you to the despatch of Her Majesty's Political Agent; but with regard to its bearing on the Slave Trade question and the political results which may be expected from the successful suppression of such a disturbance, I intend to offer some remarks in my next report to you on the former subject.

Trusting that my action in this matter will meet with the approval of yourself, as well as that of their Lordships and Her Majesty's Government, I have, &c.,

Rear-Admiral Cumming.

GEORGE L. SULLIVAN.

Rear-Admiral Cumming to the Secretary to the Admiralty.

SIR, Glasgow, at *Trincomalee*, March 12, 1875.

WITH reference to previous correspondence, in which I have brought to the notice of the Lords Commissioners of the Admiralty the necessity for arrangements being made with the Portuguese Government to land liberated slaves at Port Mozambique to await passage to Natal by the Cape mail, if it is found desirable that that Colony should be provided with labour by this means, I have the honour now to transmit, to be laid before the Lords Commissioners of the Admiralty, an extract from a letter from Captain Ward, of Her Majesty's ship *Thetis*, the Senior Officer of the East African Division, by which it appears that the Governor of Mozambique has given his provisional assent to this arrangement, pending instructions from Portugal, and I would therefore beg, should it be deemed advisable, that steps may be taken to satisfactorily conclude the same.

I have, &c.,

Rear-Admiral Hall.

A. CUMMING.

(Inclosure.)—*Captain Ward to Rear-Admiral Cumming.*

(Extract.)

Thetis, February 5, 1875.

My object in going to Mozambique was to obtain formal permission from the Portuguese Governor to land slaves here in the event of capture, to await arrival of Cape mail which would convey them on to Natal, the arrangements for their conveyance by these steamers having been already made by the Natal Government.

To this the Governor gave his provisional assent pending instructions from his Government on the subject.

Rear-Admiral Cumming.

T. LE H. WARD.

Rear-Admiral Cumming to the Secretary to the Admiralty.

(Extract.)

Glasgow, at Trincomalee, March 16, 1875.

THE *Thetis* was at Port Mozambique on the 5th February; she left Zanzibar 13th January, and arrived at Mozambique on 26th. Her object for this visit was especially to make arrangements for landing slaves there when on passage to Natal, as explained in my letter of the 12th instant. The *Thetis* then proceeded, at the request of the Portuguese Governor, to ascertain if there was any truth in a rumour that a small Portuguese expedition had been repulsed by dhows a few miles south of Port Mozambique; this was found to be entirely unfounded. Captain Ward obtained temporary permission from the Governor of Port Mozambique to cruize for the suppression of the Slave Trade in Portuguese territorial waters, and several captures were made, with the details of which I am not at present acquainted.

Rear-Admiral Hall.

A. CUMMING.

Rear-Admiral Cumming to the Secretary to the Admiralty.

SIR,

Glasgow, at Bombay, April 5, 1875.

I HAVE the honour to inclose herewith, to be laid before the Lords Commissioners of the Admiralty, a letter I have received from Captain Ward, of Her Majesty's ship *Thetis*, giving fully the particulars of the cruize of the boats of that ship up the Umfusi River, whilst acting for the suppression of the Slave Trade within the territorial waters of the Portuguese, by special permission from the Governor General of Mozambique.

The expedition under Lieutenant Walters appears to have been conducted with caution and judgment, and the information obtained, as to the manner in which slaves are embarked at the mouths of the river for conveyance to Madagascar, will doubtless prove useful hereafter in preventing their arrival at their destination, although, as Captain Ward says, their departure, as a general rule, cannot be

prevented unless greater supervision is exercised by the Portuguese cruizers, or until British vessels are enabled to assist in the work.

I have, &c.,

Rear-Admiral Hall.

A. CUMMING.

(Inclosure.)—Captain Ward to Rear-Admiral Cumming.

Commander Crohan to the Secretary to the Admiralty.

SIR, Flying Fish, off *Majunga, Madagascar, May 10, 1875.*

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on the 29th April last, when cruizing on the coast of Madagascar for the suppression of the Slave Trade, a dhow under French colours, carrying French papers, was boarded in Makumba Harbour by Lieutenant Vernon A. Tisdall for the purpose of verifying her papers.

Whilst doing so, a man came forward and made the statement that he was a slave on board with 4 others; that 9 of them had been bought at a place called N'Goa, near Mikindany Bay, East Coast of Africa, and were being sold for bullocks at Madagascar.

He also pointed out, stowed under some grass, the chains which some of them had been taken on board the dhow in. The captain, who is also the owner of the dhow, and the 5 slaves were then brought on board, and I caused them to be carefully examined before me and 3 other officers.

From the captain nothing but contradictory answers could be obtained, but the 5 slaves made the same statement.

These men were kept separate during the investigation, and had no means of communication.

The following day the crew were examined, who, you will observe by the evidence, corroborated the statement of the slaves.

The chief quartermaster, at his first examination, denied that the men were slaves, but subsequently said that they were.

Having carefully weighed the matter, I came to the conclusion that it was my duty to hand the vessel over to the French authorities, and therefore towed her to Mayotte where she was given up.

I beg to state that the dhow suffered no detention whatever. She was bound to Mayotte, and the cattle were on shore awaiting shipment.

I sent a party of men to assist the crew in embarking them, and left the captain with his men on board the dhow. The slaves I kept in my ship. The French flag was hauled down by her own crew, and was not again hoisted.

A lieutenant and 5 men were sent on board, whilst on passage to Mayotte, in order to look after the safety of the vessel.

I beg respectfully to bring to the notice of their Lordships that the French flag is being used to a great extent by the Arab traders between the Coast of Africa, the Comoro Islands, and Madagascar, and out of 31 dhows boarded between 26th March and 16th May last, 18 of them were under the French flag.

From information I received through a very reliable source, I am led to believe that it is a common practice for dhows trading in cattle to buy a few slaves on the coast of Africa and sell them for bullocks at Madagascar; and when a slave can be bought for 15 dollars and sold for 10 bullocks at Madagascar, which are worth 110 dollars at Mayotte, the trade becomes a very lucrative one.

Even with the right of search it would be difficult to detect a vessel carrying on this practice without a good interpreter, but without that right it would be impossible.

I trust this proceeding will meet with the approval of their Lordships, which will, I am in hopes, lead to beneficial results.

I beg to inclose copies of the evidence, and letters, with reference to the case.

I have, &c.,

Rear-Admiral Hall.

HERBERT CROHAN.

Rear-Admiral Macdonald to the Secretary to the Admiralty.

Undaunted, at Zanzibar, July 20, 1875.

FORWARDED for the information of the Lords Commissioners of the Admiralty, with reference to letters of 4th December, 1874, and 23rd February, 1875.

Rear-Admiral Hall.

R. J. MACDONALD.

(Inclosure 1.)—*Captain Ward to Rear-Admiral Cumming.*

Sir,

Thetis, Johanna, May 6, 1875.

I HAVE the honour to inform you that, in company with Captain Elton, Her Majesty's Consul at Mozambique, I have this day had an interview with Sultan Abdullah, King of Johanna, for the purpose of calling his attention to the subjects contained in—

1. Your Memorandum of 22nd January, 1875, referring to Admiralty letter of 4th December, 1874;

2. Admiralty letter of 23rd February, 1875 (duplicate), respecting alleged Traffic in Slaves by the Sultan himself;

3. A despatch from Dr. Kirk, 8th April, 1875,* addressed to the King of Johanna, demanding the punishment of Mohedin bin Seyd Hassan, convicted before the Vice-Admiralty Court at Zanzibar of slave-trading under the Johanna flag.

I informed the Sultan, who received us in full Durbar, that I was directed to call his attention to certain alleged violations of his

Treaty with Great Britain for the suppression of the Slave Trade, and especially to demand the punishment of Mohedin bin Seyd Has-san for slave-trading under the Johanna flag.

As regards the alleged violation of his Treaty obligations, I pointed out to His Highness that it was a matter of common notoriety that the Trade in Slaves between the Mozambique and Madagascar was carried on in great part by the natives of the Comoro Islands, and as an instance of this that a dhow had been taken in September last by Her Majesty's ship *Thetis*, with a number of slaves on board, owned by Comoro and Johanna men.

Moreover, that slaves were still imported into the Island of Johanna itself, a proof of which had accidentally come under the personal notice of Captain Elton during the last few days. He having observed amongst the slaves in a shamba two boys, who were evidently fresh importations and who could not speak the language, called the attention of his guide to the circumstances, who at once acknowledged that they had been landed within the last few months.

And, finally, I told the Sultan that Her Majesty's Government had been informed that he was himself implicated in slave-trading transactions, and pointed out to him the great exertions which the English Government were making for the suppression of the Slave Trade would be a sufficient proof to him, if such were wanting, that they could not allow this subject to be trifled with, and that any proved violation of his obligations in this matter would involve the most serious consequences to himself.

His Highness denied all knowledge of any slave-trading going on in his dominions, but said that it was quite possible that natives of Johanna, who had emigrated to Madagascar, might be engaged in this trade; but that to the best of his belief it was not carried on under the Johanna flag, and these persons, moreover, took good care not to return to Johanna, and he appealed to me whether he could be held responsible for the lawless acts of natives of this island committed beyond his jurisdiction.

He acknowledged, however, with reference to the importation of fresh slaves that he himself had occasionally seen new faces in the island, but that he was unable to say where they came from.

As regards the case of Mohedin bin Seyd Hassan, concerning whom Dr. Kirk had written to him, he informed me that he had kept him in confinement since his arrival in the island, and that he now only waited for satisfactory evidence that the alleged crime of slave-trading had been committed under the Johanna flag, in order to carry out Dr. Kirk's demand for his summary punishment, and, moreover, that upon this proof forthcoming he was ready to inflict the extreme penalty of the law, which was "death."

He further expressed a strong desire to remain on good terms with the English Government, and his entire willingness to take any step that I might suggest to prove his fidelity to his Treaty engagements.

I told His Highness that the English Government did not desire that the extreme penalty of the law should be inflicted in this instance, but that he must understand that the prisoner Mohedin had been convicted on the clearest evidence, before the Vice-Admiralty Court at Zanzibar; and that, since this Court had full powers to try such cases, there was consequently no need of further proof of his guilt, and that His Highness could not have a better opportunity of proving his desire to put a stop to the Slave Trade within his dominions than by making a public example of this man, whose punishment, from the fact of his being a "Shereef," or lineal descendant of Mahommed, would carry with it much more weight in the eyes of his subjects than that of a less distinguished offender.

After some consultation with the Chiefs comprising the Durbar, the Sultan agreed to punish Mohedin as I desired, and finally it was settled that the prisoner should be led through the town in chains, and fined 500 dollars, or in default imprisoned for two months, and further that a Proclamation should be posted up in the principal mosque, announcing the nature of the punishment, and the offence for which it was inflicted, as a suitable warning to others who might desire to engage in this traffic.

Immediately after coming to this decision, the prisoner was brought in before the assembled Durbar, and a chain padlocked round his neck and led out again, but not before he had rushed forward and embraced Captain Elton's feet, imploring that his life might be spared, which he did not appear to have understood was in no danger.

I take this opportunity of acknowledging the ready advice and assistance afforded me by Captain Elton on this as well as on other occasions in which I have been associated with him.

I have, &c.

Rear-Admiral Cumming.

TH. LE H. WARD.

(Inclosure 2.)—*Captain Ward to the Sultan of Zanzibar.*

After compliments,

Thetis, *Johanna*, May 10, 1875.

I HAVE the honour to acknowledge the receipt of your Highness's Proclamation respecting the punishment inflicted upon Mohedin-bin-Seyd Hassan for the crime of slave-trading under the *Johanna* flag, which your Highness proposes to post up in a conspicuous place in the principal mosque in *Johanna* town; and I take this opportunity to inform your Highness that I am fully satisfied with the course you have adopted in this instance, and that I shall have

pleasure in making a report to this effect to the Rear-Admiral Commanding-in-Chief in the East Indies.

The Sultan of Zanzibar.

THOS. LE H. WARD.

PORTUGAL.

The Earl of Derby to Mr. Cobbold.

SIR,

Foreign Office, March 29, 1875.

I TRANSMIT to you herewith a copy of a despatch from the Acting Consul-General at Zanzibar,* covering copy of a report addressed to him by Vice-Consul Elton of certain operations for the suppression of the Mozambique Slave Trade, undertaken by the Portuguese authorities in that Colony, in co-operation with Captain Ward, of Her Majesty's ship *Thetis*.

I have to request that you will communicate the substance of Captain Elton's report to the Portuguese Government, with the expression of the gratification with which Her Majesty's Government have learnt the successful operations of the Portuguese forces against the slave-traders in the Kivolani River, and further that you will take the same opportunity of pointing out to them the beneficial effects which cannot fail to result from a joint action on the part of the Portuguese and British naval forces in Portuguese territorial waters with the view to the suppression of the Slave Traffic, which has been admittedly carried on for many years past from the Mozambique territory almost with impunity.

I am, &c.,

T. Clement Cobbold, Esq.

DERBY.

Mr. Cobbold to the Earl of Derby.—(Received May 1.)

MY LORD,

Lisbon, April 14, 1875.

IN obedience to the instructions contained in your Lordship's despatch of the 31st ultimo, I have addressed a note, dated the 9th instant, copy of which I have the honour to inclose herewith, to the Portuguese Government, expressing the gratification of that of Her Majesty at the issue of the Decree of the 31st of October last,† which has removed the last remains of slavery from the Cape Verde Islands.

I have, &c.,

The Earl of Derby.

T. CLEMENT COBBOLD.

* Page 761.

† Page 726.

(*Inclosure.*)—*Mr. Cobbold to Senhor Corvo.*

M. LE MINISTRE,

Lisbon, April 9, 1875.

I DID not fail to transmit to my Government copy of the Royal Decree, dated the 31st of October last, declaring free from the date thereof all libertos in the Cape de Verdes.

The Earl of Derby having received from Her Majesty's Consul at St. Vincent a return, furnished by his Excellency the Governor-General, showing the total number of freedmen thus liberated, I have been instructed by his Lordship to express to His Most Faithful Majesty's Government the gratification of Her Majesty's Government at the issue of this Decree, which has removed the last remains of slavery from the Cape Verde Islands. I avail, &c.,

Senhor Corvo.

T. CLEMENT COBBOLD.

Mr. Cobbold to the Earl of Derby.—(Received May 2.)

MY LORD,

Lisbon, April 15, 1875.

I HAVE the honour to transmit herewith to your Lordship translation of a note from the Portuguese Minister of Foreign Affairs, in reply to mine of the 24th of November and the 12th of December last (copies of which were inclosed in my despatches of the 24th of November and 11th of December of last year), relative to the capture of dhows on the north-west coast of Madagascar.

His Excellency, in this note, gives me the full details of the proceedings of the Governor-General of Mozambique, as reported by Captain Elton to Captain Prideaux. I have consequently considered it unnecessary to communicate the substance of Captain Elton's report, and have addressed a note to the Portuguese Government, expressing the gratification of that of Her Majesty at the successful operations of the Portuguese forces against the slave-traders in the Kivolani River, and further pointing out to them the beneficial effects which cannot fail to result from a joint action on the part of the Portuguese and British naval forces in Portuguese territorial waters, with the view to the suppression of the Slave Traffic; for this purpose I have embodied the views of Captain Ward and Captain Elton, as stated in the latter gentleman's letter of February 5 to Captain Prideaux,* as to the most speedy and effectual means for the suppression of the Slave Traffic between the Mozambique coast and Madagascar.

Copy of this note I have the honour to inclose herewith.

Senhor Corvo has requested me to ask Her Majesty's Government to convey to Captain Ward, of Her Majesty's ship *Thetis*, the thanks of His Most Faithful Majesty's Government for the readi-

ness and alacrity with which he was willing to assist the expedition to Kivolani.

I have, &c.,

The Earl of Derby.

T. CLEMENT COBBOLD.

(*Inclosure 1.*)—*Senhor Corvo to Mr. Cobbold.*

SIR,

(Translation.)

Lisbon, April 6, 1875.

I RECEIVED in due time the note which you addressed me on the 24th of November of last year, relative to the capture made on the 11th of the preceding month of August, to the north-west of the coast of Madagascar, of a dhow with slaves on board, which had sailed from a place in the Province of Mozambique, called Kivolani, about 5 hours' distance from the capital.

In that note you expressed, in the name of Her Britannic Majesty's Government, the hope that His Majesty's Government would not fail to take into its most serious consideration the negligence which appeared to have been shown by the authorities at Mozambique, with respect to the adoption of effectual measures to prevent that abominable traffic within the limits of the territorial waters of that province.

I subsequently received your note dated the 12th of December, wherein you acquainted me with the capture, on the same coast of Madagascar, of another dhow with slaves on board, and its condemnation by the Vice-Admiralty Court at Zanzibar, as a further proof that the Slave Trade continued to be carried on from the Portuguese possessions on the East Coast of Africa.

With reference to the contents of the two notes above mentioned, I have the honour to state to you that His Majesty's Government has just received from the Governor-General of the Province of Mozambique despatches, dated the 19th and 31st of January last, wherein the said Governor-General reports what had lately taken place there.

Having been informed on the 15th of that month that some dhows were landing in the River Kivolani arms and gunpowder by contraband, and were making preparations for shipping slaves, he despatched to that port on the 16th the gun-boat *Tete*, commanded by the Second Lieutenant João Maria da Costa.

The measures adopted by that officer in command for the purpose of seizing the suspected vessels proved, however, fruitless, because, in addition to the loss of lives, other circumstances occurred which compelled him to return on the 18th; and, therefore, the Governor-General gave orders for the immediate departure for Kivolani of the vessels and of the disposable force of the naval station, and, accordingly, early in the morning of the 19th the steamers *Sena* and *Tete* and the yacht *Inhamissengo* sailed with the forces which were considered necessary.

On the 20th, however, in the evening, alarming reports about this expedition began to be put in circulation, and it was even asserted, although it was not known from what source such an assertion came, that the steamers, having gone on shore, had been taken by the Moors, and that the military forces had been completely defeated.

At this conjuncture, as the steamer *Quilimane* was undergoing repairs, and the steamer *India*, which had only arrived from Macao on the eve, was unable to start before 24 hours, the Governor-General thought it his duty to inform the Captain of Her Britannic Majesty's corvette *Thetis*, on the occasion of the visit paid to him by that officer on the 21st, the day after his arrival, of what had occurred, mentioning the steps he had taken for the suppression of the Slave Trade, without, however, concealing from him the unpleasant rumours which were current, and the anxiety which they caused him.

The said Captain immediately offered, with the greatest willingness and kindness, to render every assistance in his power, and he added that if the Governor-General would allow him to go to Quivolane, and take with him a Portuguese officer and a pilot acquainted with the coast, he would start within two hours.

This obliging offer having been accepted, and the first Lieutenant, Augusto de Castilho, and the pilot having gone on board, the corvette *Thetis* steered towards the bar at noon precisely.

At the close, however, of that same day, the 21st, and in the morning of the next, the steamers *Sena* and *Tete*, and the yacht *Inhamissengo*, returned to the port of Mozambique, bringing the welcome news of the success of the expedition: 8 large dhows and 2 launches had been burnt, and the place which was built upon the banks of the river, and was chiefly inhabited by Moorish smugglers, was completely destroyed.

Now while this was going on, the Governor General received, by the mail which arrived on the 18th, a copy of your note above referred to of the 24th of November, and hence you see that the charge of neglect against the authorities at Mozambique, in not adopting effectual measures against the inhuman Traffic in Slaves, cannot in any way be applied to the present Governor-General, who assumed his office in August of last year, and to whose activity the prompt extirpation of that den of traders in human flesh is to be ascribed; and His Majesty's Government trusts that the said Governor-General will continue, in the same zealous manner, to carry out the instructions which he received.

The letter of Captain Ward, of Her Majesty's ship *Thetis*, informing the Governor-General of his having communicated with the yacht *Inhamissengo*, and of his return to the anchorage when he

learnt the successful result of the expedition, as well as the reply of the first authority of the Province expressing his profound acknowledgment, form part of the documents now received; and I beg, therefore, on this occasion to request that you will be so good as to ask your Government to convey to Captain Ward the thanks of His Majesty's Government for the readiness and alacrity with which he was willing to assist the said expedition.

I avail, &c.,

T. Clement Cobbold, Esq.

JOAO DE ANDRADE CORVO.

(*Inclosure 2.*)—*Mr. Cobbold to Senhor Corvo.*

M. LE MINISTRE,

Lisbon, April 15, 1875.

HER Majesty's Government has received a despatch from the Acting Consul-General at Zanzibar,* covering copy of a report addressed to him by Vice-Consul Elton of operations for the suppression of the Mozambique Slave Trade undertaken by the Portuguese authorities in that colony, in co-operation with Captain Ward of Her Majesty's ship *Thetis*.

This report is similar to that of the Governor-General embodied in your Excellency's note to me of the 6th instant.

I have been instructed by the Earl of Derby to express the gratification with which Her Majesty's Government have learnt the successful operations of the Portuguese forces against the Slave Trade in the Kivolani River, and further to point out to His Most Faithful Majesty's Government the beneficial effect which cannot fail to result from a joint action on the part of the Portuguese and British naval forces in Portuguese territorial waters, with the view to the suppression of the Slave Traffic which has been admittedly carried on for many years past from the Mozambique territory almost with impunity.

Captain Elton, in a later report, states that Captain Ward has operated with success against the Arabs and Mujoges on the Umfusi and Kivolani, and has destroyed two large dhows of 192 and 109 tons measurement, the owners of which were evidently only waiting the next spring tides to run across to Madagascar with a large number of slaves, who were collected in the vicinity, but driven inland on the first alarm.

Captain Ward has strongly urged upon the Governor-General the advantages to be obtained by availing himself of the present opportunity and the services of his boats to destroy the *matériel* at the notorious starting-points of the Madagascar Slave Trade, and pointed out that, by vigorous and combined action on the African seaboard, immediate results would be obtained.

Captain Ward's observation, and Mr. Elton's experience of the

coast, convince them that the only effectual and speedy means for the suppression of the daily increasing Slave Traffic between the Mozambique coast and Madagascar is the destruction of the ports of collection and shipment, and their *matériel*; and for this purpose it would be necessary for all local Governors, on receiving any information regarding the shipment of slaves, to be at liberty to avail themselves of the services of any British men-of-war within reach, and that the Governor-General should be authorized by His Most Faithful Majesty's Government to make special arrangements by which Her Britannic Majesty's ships could act in concert with the local authorities.

I have duly transmitted to my Government the thanks of His Most Faithful Majesty's Government to Captain Ward of Her Majesty's ship *Thetis*, as desired in your Excellency's note of the 6th instant.

I avail, &c.,

Senhor Corvo.

T. CLEMENT COBBOLD.

Lord Lytton to the Earl of Derby.—(Received June 16.)

MY LORD,

Lisbon, May 31, 1875.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch to Mr. Cobbold dated the 17th instant, and to inclose herewith copy of a note which, in conformity with the instructions therein contained, I have addressed to Senhor Corvo, whom I have also furnished with a copy of Captain Ward's report of the operations of the boats of Her Majesty's ship *Thetis*, in the delta of the Umfusi River.

I have, &c.,

The Earl of Derby.

LYTTON.

(Inclosure.)—*Lord Lytton to Senhor Corvo.*

M. LE MINISTRE,

Lisbon, May 31, 1875.

WITH reference to the note addressed by Mr. Cobbold to your Excellency under date of the 15th of April last, relative to the joint operation of the Portuguese colonial and British naval authorities for the suppression of the Mozambique Slave Trade, I have now the honour, in accordance with instructions received from Her Britannic Majesty's Principal Secretary of State for Foreign Affairs to transmit herewith to your Excellency, for the information of the Government of His Most Faithful Majesty, copy of a very interesting report by Captain Ward to Rear-Admiral Cumming, describing the recent operations of the boats of Her Majesty's ship *Thetis*, in the neighbourhood of Mozambique.

The Portuguese Government will doubtless be pleased to learn the very satisfactory results of these operations which were undertaken by especial permission of the Governor-General of Mozambique; and I am requested by the Earl of Derby to call the

obliging attention of your Excellency more particularly to that passage in Captain Ward's above-mentioned report which, for this purpose, I have marked, and in which he expresses the opinion that the success of those operations would have been complete had he been allowed further liberty of action in Portuguese waters.

It would appear that the number of mouths belonging to the Umfusi and Moma Rivers, and the peculiar nature of an imperfectly surveyed coast, abounding in shoals and creeks, render it perfectly easy for slave-trading dhows to evade the vigilance of cruisers stationed on the coast. And although the 3 or 4 places from which this trade emanates are well known and could be effectually cleared out in the same manner as the delta of the Umfusi has been cleared by the boats of the *Thetis*, there seems to be no possibility of accomplishing that result without the constant employment of a force greater than any now at the disposal of the Portuguese authorities in these waters.

Your Excellency will observe, however, that adequate native assistance can, in the opinion and according to the experience of Captain Ward, be always obtained by judicious treatment; that this officer has recorded his conviction that results no less satisfactory than those which have been effected by him, with the permission of the Portuguese Governor-General, on the delta of the Umfusi, would have been secured in the Moma River had he been permitted to investigate that stream to the south of Angoxa, where he had information of the recent arrival of 6 dhows for Slave Trade purposes, and that he has assured Her Britannic Majesty's Government that were the boats of British cruisers allowed to act freely in Portuguese waters the export of slaves from Mozambique would be practically at an end.

In respectfully recommending these facts and opinions to the friendly consideration of the Government of His Most Faithful Majesty, with a view to the more speedy attainment of an object so sincerely desired by our two Governments, and so worthy of their cordial and constant co-operation, I avail, &c.,

Senhor Corvo.

LYTTON.

Lord Lytton to the Earl of Derby.—(Received October 8.)

MY LORD,

Lisbon, September 30, 1875.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 15th instant, and to inclose herewith copy of a note which, in accordance with the instruction therein contained, I have addressed to the Portuguese Minister for Foreign Affairs, requesting his Excellency to convey to his colleagues in the Government of His Most Faithful Majesty, and also to Senhor Adrião and the Governor of Mozambique, an expression of the high appreciation

with which the services rendered by Senhor Adrião towards the suppression of the Slave Trade at Mozambique are appreciated by Her Majesty's Government.

I have, &c.,

The Earl of Derby.

LYTTON.

(Inclosure.)—Lord Lytton to Senhor Corvo.

M. LE MINISTRE,

Lisbon, September 30, 1875.

THE attention of Her Majesty's Government having been called by Her Majesty's Consul at Mozambique to the efficient assistance received by him from Senhor Adrião, who has been until recently in charge of the naval station at Mozambique, I am instructed to lose no time in expressing to your Excellency the high appreciation with which the services rendered by this officer towards the suppression of the Slave Trade are appreciated by Her Majesty's Government.

Requesting you, M. le Ministre, to be so good as to convey to your Excellency's colleagues in the Government of His Most Faithful Majesty, and also to Senhor Adrião and the Governor of Mozambique, this expression of the feelings entertained in regard to the services of that officer by the Government of Her Britannic Majesty, I avail, &c.,

Senhor Corvo.

LYTTON.

The Earl of Derby to Lord Lytton.

MY LORD,

Foreign Office, December 2, 1875.

IN transmitting to your Lordship herewith, for your information, copy of the mouthly Slave Trade Report by Her Majesty's Consul at Mozambique, I have to request that you will make such use of the information contained in it as may be best calculated to induce the Portuguese Government to sanction a continuance of the joint action of the British and Portuguese naval forces in Portuguese waters for the suppression of the Slave Trade, and also to inaugurate a more liberal policy as regards the opening of the territories over which they claim sovereignty to foreign trade.

I am, &c.,

Lord Lytton.

DERBY.

The Earl of Derby to Lord Lytton.

MY LORD,

Foreign Office, December 3, 1875.

I TRANSMIT herewith, for your Lordship's information, copies of a despatch and of its inclosure from Her Majesty's Consul at Mozambique,* relative to the practical working in that colony of the "Portaria" of October 25, 1870; and I have to request that you will call the attention of the Portuguese Government to this subject.

You will point out to them that, apart from the inconsistency of the provisions of the "Portarias" of the 25th October, 1870, and the 29th April, 1875,* the fact that Portuguese subjects are still allowed to purchase slaves, whether with the view to their manumission or for the purpose of utilizing their services, cannot fail to act as a direct encouragement to the slave-dealers, who will always be ready to supply slaves so long as the market for them remains open.

I am, &c.,

Lord Lytton.

DERBY.

PORTUGAL (MOZAMBIQUE).

Consul Elton to the Earl of Derby.—(Received June 27.)

MY LORD, *Thetis, off Mayotte, East of Africa, May 12, 1875.*

I HAVE the honour to report that I relinquished my appointment as First Assistant to Political Agent and Vice-Consul at Zanzibar on the 24th April, and on the 26th April left in Her Majesty's ship *Thetis* for Mozambique *viâ* the Island of Johanna, which Captain Ward was instructed by the Lords Commissioners of the Admiralty to visit for the purpose of informing Sultan Abdullah that the most serious consequences would result to him if any resumption or encouragement of the Slave Trade was favoured within his territory or under his flag, and at Dr. Kirk's request further to insist upon the punishment of one Mohedin-bin-Seyed-Hassan, owner and master of the dhow *Amanet Allah*, captured off Marambitzi, on the east coast of Madagascar, by Her Majesty's ship *Rifleman*, and condemned in the Vice-Admiralty Court at Zanzibar as engaged in the Traffic of Slaves under the Johanna flag.

Owing to the south-west monsoon, Johanna was not reached before the 2nd instant, and on anchoring, the Sultan was found to be absent on the south side of the island. His Highness, however, on hearing of the *Thetis*' arrival, immediately returned to his town of Moussamoudo, and on the 6th an interview took place, at which, by request of both the Sultan and Captain Ward, I attended and gave my assistance as interpreter.

Your Lordship will be pleased to hear that Sultan Abdullah professed his sincere adhesion to the policy pursued by Her Majesty's Government in connection with the suppression of the Slave Trade, and disclaimed any personal connection with, or knowledge of, the landing of any slaves at Johanna, and also explained the penalties to which his subjects were liable for such abuse of his

flag; but, he added, "the population of my island has been greatly reduced, and many of my people have emigrated to Madagascar and the adjoining islands. I cannot be responsible for the action of such emigrants, no means being at my disposal for their control."

Captain Ward then urged upon His Highness the importance of impressing on his subjects the fact that Johanna men, whether colonists abroad or wanderers, could not return to Johanna with impunity after being actively concerned in the Traffic, whether to enjoy ill-gotten gains, or merely to hide from pursuit and screen from punishment; and after carefully explaining that Mohedin had been convicted on clear evidence before the Vice-Admiralty Court at Zanzibar of complicity in the Slave Trade, ended by demanding (as the man was a Shereef, or lineal descendant of Mohammed, and of some position and influence amongst his co-religionists) his public punishment as a practical proof of good faith, and as an effectual means of deterring others from engaging in similar practices. In reply, the Sultan explained that had he at first fully understood that the Vice-Admiralty Court had legally convicted the prisoner, he would at once have punished him, and was now, as Captain Ward would presently see, fully prepared to pass and carry into effect a severe sentence.

After some discussion as to the terms of the punishment to be inflicted, Mohedin was sent for from the house in which he was confined, and condemned to a fine of 500 dollars, or in default of payment to two months' rigorous imprisonment; then, after being heavily ironed before us, was led round the town preceded by a crier, who proclaimed the offence and the punishment, which every one was warned would be visited on future culprits with double severity, and with this sentence Captain Ward expressed concurrence and satisfaction.

Subsequently a proclamation was affixed on the walls of the principal mosque, detailing Mohedin's offence, conviction, and punishment, and publishing a warning to future offenders.

I would, in conclusion of this report on a negotiation and its results with which I was not officially concerned or connected, venture to express my belief that very excellent results will be derived from Captain Ward's visit to Johanna, and the plain energetic manner in which, with all courtesy, he has enforced upon Sultan Abdullah the absolute and urgent necessity, in his own interests, of the distinct discouragement amongst his subjects, both at home and abroad, of any connection with the Traffic in Slaves now so extensively carried on between East Africa and Madagascar.

I have, &c.,

The Earl of Derby.

F. ELTON.

Consul Elton to the Earl of Derby.—(Received June 27.)

MY LORD,

Mozambique, May 25, 1875.

I HAVE the honour to inform your Lordship that the Governor-General, Senhor J. Vasco de Guedes e Menezes, has informed me that the Portuguese Government at Lisbon consent to the reception of freed slaves in temporary depôt at Mozambique, who may be captured in the vicinity, under the arrangements I was previously empowered to propose.

As the Administrator of the Government in Natal does not for the present, however, wish any such people sent to the Colony, I have informed both the Zanzibar Agency and the Senior Naval Officer that for the present captured slaves should not be brought to this port.

I have, &c.,

The Earl of Derby.

F. ELTON.

Consul Elton to Captain Ward.

(Extract.)

Mozambique, June 10, 1875.

THE Governor-General of Mozambique has despatched the *Sena* gun-boat 3 times recently to examine the Kivolane and Umfusi Delta, where you operated with the boats of Her Majesty's ship *Thetis*, and on each occasion the same report has come back: "Many slaves collected in the vicinity, but no dhows there."

I have pretty well ascertained that slave-dhows have never left this delta, except at spring tides, and I am of opinion that if a vessel were so to time a cruize, just beyond sight of land, off the delta, so as to be on the track to Madagascar during spring tides in July and August, it is most probable a full slaver or slavers would be captured. If the vessel were to sail from here 3 or 4 days beforehand, ostensibly for Zanzibar, the news would be at Kivolane in 24 hours, and a run would be attempted. None can be made, I fancy, this month, as dhows will not go down there yet, although they have been tempted, I believe, by the offer of higher freights.

Captain Ward.

F. ELTON.

Consul Elton to the Earl of Derby.—(Received August 23.)

(Extract.)

Mozambique, July 21, 1875.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch of the 28th May, transmitting me copy of a Law, dated 29th April,* which has been issued by the Portuguese Government, declaring that, one year after its publication in Portuguese colonies, the conditions of slavery specified in the Decree of the 25th February, 1869,† are to be considered abolished, and those to whom it refers are to be declared free; and instructing me to furnish your

* Page 212.

† Vol. LX. Page 571.

Lordship with any observations I might have to offer on the state of the slave population in my Consular district, reporting at the same time the date of the publication of this Law.

On the 10th July I read the above despatch to the Governor-General of Mozambique, and showed him the copy of the Law of April 29, 1875, forming the inclosure. His Excellency assured me he then saw the Law for the first time, and as yet had not received any such document from Lisbon, but on arrival of such document officially, would publish the same as a matter of course in the "Government Gazette."

The Earl of Derby.

F. ELTON.

Consul Elton to the Earl of Derby.—(Received September 27.)

(Extract.)

Mozambique, August 2, 1875.

IN reference to my despatch of the 21st July, I have the honour to report that, on the 29th of July, the Governor-General of Mozambique, through his Secretary-General, informed me that he had received the Portaria regarding libertos from the Portuguese Government, and drew my attention to the fact that, in the "Lisbon Government Gazette," immediately following the Portaria, and on the same page, was a Decree of the King of Portugal of 29th April (published 11th May) naming the members of a Commission to propose the necessary regulations for the execution of the Law in the various colonies; and that, therefore, prior to the instructions which may result from the report of this Commission, it did not appear that the Lisbon Government intended immediate publication of the Law.

The Earl of Derby.

F. ELTON.

Consul Elton to the Earl of Derby.—(Received September 27.)

(Extract.)

Mozambique, August 16, 1875.

MY report of events this month will be necessarily curtailed by my departure for the Moma River this day in Her Majesty's ship *Thetis*, in accordance with a request from Captain Ward to accompany him upon a combined expedition for the suppression of the Slave Trade, undertaken at the request of the Governor-General.

By the last mail I received a letter from Rear-Admiral Macdonald, in which his Excellency wrote as follows:—

"I have ordered the Senior Officer of this division, Captain Ward, to proceed to Mozambique in the *Thetis*, with directions to concert with you in taking the best measures for the prevention of the Slave Trade to Madagascar, but by no means to interfere with the Portuguese Government in the arrangement of their domestic affairs."

The *Thetis* accordingly arrived at Mozambique on the 9th instant, when I gave Captain Ward all information as to the position of affairs.

On the following day Captain Ward and myself paid a visit to the Governor-General, and I carefully explained to his Excellency that the *Thetis* had arrived, by Admiral Macdonald's orders, solely in consequence of the attitude of the slave-traders subsequently to Sheikh Abderhaman's murder, not in any way to interfere with the internal affairs of the Portuguese Provinces, but in order to promote the suppression of the Slave Trade between the coast and Madagascar. His Excellency at this interview expressed his conviction that the presence alone of the *Thetis* and her boats in the harbour would be of considerable moment in deterring the trade, and his satisfaction at Captain Ward's arrival.

Very heavy southerly gales with rain set in on this day, that must have compelled inaction on the slave-dhows as well as on the *Thetis*, which was better off in the harbour than in the Mozambique Channel, where a very heavy sea was running.

Subsequently the Governor-General sent Senhor d'Avila to my house at 7 P.M. (14th August), with instructions to beg Captain Ward to undertake operations against Moma and to place a gun-boat under his orders. I accompanied M. d'Avila on board the *Thetis* at once, and yesterday (15th) Captain Ward, M. d'Avila, and myself, paid a visit to the Governor-General, who gave his cordial assent to the detail of operations agreed upon in concert by these two officers; hence at the moment I am writing (9.30 A.M.) the Portuguese gun-boat is getting up steam to proceed to the rendezvous off Moma, and will be followed by Her Majesty's ship *Thetis* at noon.

I trust your Lordship may approve of this second permission obtained to act in co-operation with the Portuguese in Portuguese territorial waters, which I trust will be productive of good result in stopping the extensive export of slaves to Madagascar now carried on from this coast, and is another proof of *bona fides* on the part of the Governor-General.

I would beg to be allowed to defer entering upon other matters of interest in my present Monthly Report, as I leave in the *Thetis* in two hours' time. I am, however, in concert with Captain Ward, leaving an order to the commander of the mail-steamer, copy of which is inclosed; and it is possible I may be able to write again should the Moma operations be speedily completed, but they will, I fancy, occupy some time, owing to the intricacies of the delta.

The Earl of Derby.

F. ELTON.

(Inclosure.)—*Consul Elton to the Governor-General of Mozambique.*

SIR,

Mozambique, August 14, 1875.

I HAVE the honour to inclose copy of letter received this morning from Captain Ward, relative to the Slave Trade now openly carried on at the Moma River in Portuguese waters.

I should, at the same time, inform your Excellency that so notorious has Moma become that two dhows have left Nossi Bé recently, to ship slaves there; and one Mahomed Hamis has arrangements completed for loading his dhow, whilst slaves are collected and waiting the arrival of two dhows from Matarana and one from Tambarane, all of which 5 dhows, according to my information, should by this time be in the river.

The advisability of speedily putting a stop to the operations of this new slave station will at once be seen by your Excellency, and Captain Ward, in the suppression of the Slave Trade, will, I feel assured, readily support any movements your Excellency may direct for such an object.

I have, &c.,

The Governor-General of Mozambique.

F. ELTON.

Consul Elton to the Earl of Derby.—(Received November 15.)

MY LORD,

Mozambique, October 1, 1875.

IN conversation with the Secretary to Government a few days ago, when telling him of the gang of slaves brought down to Quillimane in Christmas, 1870, and sold there, I also added that I was aware that this time last year slaves had been brought down to Masheesh, the Portuguese plantations opposite Inhambane, and bought by the inhabitants.

Senhor de Lencastre then informed me that it was legal to buy slaves for the purpose of introduction as libertos, and that after purchase they at once became libertos by virtue of Portuguese law, and referred me to the Portaria of 25th October, 1870, of which I inclose a translation, and which was published at Mozambique, as recently as the 9th of January last, in the "Official Bulletin," No. 2 of 1875, and under which it appears a gang of slaves can be legally bought from a dealer by Portuguese subjects, whose sole duty is forthwith to register them as libertos.

In the face of the Portaria declaring all slaves free, which your Lordship sent me, and which is still unpublished in Mozambique, it seems strange that this Portaria of 25th October, 1870, should yet be in force, and be capable of being so construed as to be a standing sanction to Slave Trade collection, with all its attendant miseries, in the interior of Africa, and I therefore think it my duty to bring the matter forward.

I have, &c.,

The Earl of Derby.

F. ELTON.

(Inclosure.)—*Extract from the “Boletim Official,” Mozambique, of January 9, 1875.*

Portuguese Portaria respecting Libertos in the Provinces of Africa.
(Translation.) —*Lisbon, October 25, 1870.*

THE individuals in our Colonies passing by the Decree, with the force of law, of 25th February, 1869,* from the condition of slaves to libertos, enter on 29th day of April, 1878, into the enjoyment of full civil rights guaranteed by the “Carta Constitucional” of the Kingdom. His Majesty the King orders his Secretary of State for the Marine and Colonies to announce to the Governors of Colonies that the power of introducing libertos into the Provinces of Africa, conceded by Article II of the Decree, with force of law, of 10th December, 1836,† and Article IV of the Decree, with force of law, of 14th December, 1854,‡ is constricted to the condition of service of the same libertos. Nothing further can be exacted from them from the said 29th day of April, 1878, on which the servile condition in all the provinces of the Monarchy shall cease.

SÃ DA BANDEIRA.

The Palace, October 25, 1870.

PORTUGAL (LOANDA).

Consul Hopkins to the Earl of Derby.—(Received September 18.)

MY LORD,

Loanda, July 31, 1875.

I HAVE the honour to acknowledge the receipt of a despatch under date of 28th May, 1875, inclosing me a copy of a Law dated the 29th of April,§ which had been issued by the Portuguese Government, declaring that one year after its publication in Portuguese colonies the condition of slavery specified in the Decree of the 25th February, 1869,* would be considered abolished, and instructing me to inform your Lordship if this Decree had been published here, and the date of its publication, together with any remarks I may have to offer on the subject.

I have the honour to inform your Lordship that the law in question was published in No. 29 of the “Boletim Official” of Loanda on the 17th of July, 1875.

I herewith inclose a translation of the Supplement No. 21 of the same official newspaper of the 26th May last.

A Committee had been appointed by his Excellency the

* Vol. LX. Page 571.

† Vol. XXIV. Page 782.

‡ Vol. XLV. Page 1073.

§ Page 212.

Governor-General of Angola to take into consideration the question of establishing by law the manner in which native labour was to be obtained, and the minimum amount of remuneration that was to be paid, when the time came for the general emancipation.

I have inclosed a separate copy of the translation of the "Motion for the Regulation of Labour in the Province of Angola," written on half-sheets of foolscap for convenience in printing, should such be contemplated; but I did not consider it necessary to send an extra copy of the long preamble of the Committee's letters to the Governor.

The scheme suggested seems good, and is one that I believe will work well, and be greatly to the benefit of the natives who have been slaves or libertos.

The news of the King's Decree of the 29th April was not received with any demonstrations of satisfaction or delight by the persons it most concerned—in fact, they are too apathetic to take notice; in some cases they were under the impression it was an attempt of the Government to deprive them of the protection of their masters, to whom they are generally much attached, being well treated.

Some of the old inhabitants of Loanda seem to fear that there may be a rising on the part of the people when they are really freed; but I doubt this. I am under the impression things will go on much as at present, except these poor creatures will really be free men, and not under the absolute power of any of their fellow-men, to be sold or bartered like dumb cattle, and they will soon begin to feel and appreciate the blessings of liberty.

I have, &c.,

The Earl of Derby.

DAVID HOPKINS.

(Inclosure.)—*Extract from the "Boletim Official" of May 26, 1875.*
(Translation.) *Committee for the Regulation of Labour.*

SIR,

THE Committee appointed by Order of your Excellency of the 3rd of September, 1873, modified on the 12th of January ultimo, and ordered to present a Regulation for Labour in this Province, bearing in mind the necessity of giving freedom to the slaves, comes now respectfully to lay before you the result of their deliberations.

The better to fulfil its mission, the Committee proposes to embody in this Report, for the consideration of your Excellency, the chief reasons and the foundations upon which it has based the Regulation of Labour it now has the honour to offer.

The solution of the problem upon which depends the emancipation of the negroes and the organization of labour is, like the evil itself, complex in its elements and varied in its forms.

The better to appreciate the difficulty of this solution, we need only to glance at its thousand different phases presented to us in history, the facts which daily appear before us in such varied forms, and, finally, the evils which, reproduced from generation to generation, are yet aggravated by ignorance and fanaticism, and the inveterate practice of a hundred absurd habits and customs, stamp at once the African people a singular and peculiar race of beings.

It is, therefore, absolutely necessary to separate the elements of the problem, and consider their different parts separately, submitting them to a rigorous analysis, that we may be guided by justice and the laws of social economy in calculating the requisite solution.

In the march of modern society, two very prominent currents are visible, that of liberal principles, and the conservative—the one undermining the foundation of the old system, and the other attempting to destroy and overthrow the brilliant conquests and reforms of the nineteenth century.

Slavery, with all its traditions, the power and interest of its abettors, protects, sustains, and directs the great and powerful reaction against the victories of the liberal and philosophical doctrines that aim at the freedom of man, elevate personal dignity, and establish in the midst of modern society that wonderful harmony which we observe in nature.

It is, therefore, not to be wondered that vested interests should become alarmed, and attempt to rise against the overwhelming wave of progress and principles that mark the new era in the broad road of human advancement.

No well-organized society could long remain indifferent to the struggles of any class of beings, suffering all sorts of misfortunes and imaginable tortures; it could not witness with indifference the cries and pleadings of this numerous and unfortunate class of beings that a superior power might deliver them with a generous hand from a life of ignominy and social martyrdom, to which they seemed to have been condemned perpetually.

Let us for a few moments draw our attention and fix our ideas, thoughts, and feelings upon one of the deepest and most painful sores of all society, as old and as primitive as the human race, to which history tells us it has always attached itself. We refer to slavery and its miserable belongings; its weakness and failings, sickness and misery, abandonment and prostration, hunger and nudity, indigence and misery, and too often accompanied by repulsive vices and horrid crimes. The history of slavery is a poem of eternal tears, an elegy of sufferings, a drama of murder and crimes. Written in all languages, it was acted all over the world, while every nation of the globe observed with repugnance and tears this repulsive spectacle.

In this lamentable poem, this *iliad* of sufferings, almost every colonial nation blushes at a dark page which it attempts to destroy or conceal.

Society formerly looked upon the slave in a manner that the very pen hesitates to describe; they were not considered or classified within the pale of society. Besides which there were many employed in cruel, infamous, and the meanest kind of work; slaves were held in equality with the brute creation, as many are still this day, though baptized under the deceitful epithet of freedmen; they were equally bought and transferred, like any other goods or commodity, like the freedmen of the present day; notwithstanding all the laws and efforts of the existing authorities, they were deprived of their natural and civil rights, and obliged to do work of the most violent description; known only by their masters' names, without protection against insult, without rest or remuneration for labour, never enjoying the least compassion, and punished in the severest manner for the most trifling offence.

In this manner it is very evident that this unfortunate race would always be looked upon as inferior to freemen.

This powerful subjection influenced the moral character of the slaves, producing within themselves a loathing and disgust of their very class, a want of dignity, and complete prostration of their own energies.

It is not to be wondered, therefore, that the slaves placed no confidence either in the promises or justice of men. Seeing their rights completely set aside, they became negligent, false, deceitful, unfaithful, and treacherous, bearing all sorts of rancour against their tormentors, as a natural consequence of the injustice, violence, and torture endured at their hands.

Men and women, herded together in the same pens, led a life of sensual brutality. Without any family, or under the constant fear of its prostitution at any moment, or tortured or extinguished from caprice or fancy of their masters, the slaves did not possess that powerful talisman, the germ of all virtue, that gives us courage and power to work, relief in our troubles, comfort and resignation in adversity, belief and hope in the future, benevolence and happiness to the mind, giving us new life and vigour, in the hope of an apparent resurrection, which we call our descendants, as a contemporary writer so truly said in a note on the *Riches* of Ovid.

Slavery did not actuate alone on the slave, enervating his powers and perverting his ideas, but threw its influence likewise on the masters, creating mean and sordid passions and all their accompanying vices. The habit of exercising unrestrained influence over men generated a domineering spirit, which was fanned by all the proud, haughty, and egotistical inclinations of our natures.

The extreme profligacy of former society, and of many still in our days, is attributable to the same cause. The temptation caused by the daily contact with women destitute of modesty or protection leads to vice with an almost irresistible impulse, when the domestic circle, personal dignity, and very often public duties are all sacrificed to the abuse of inordinate passions and appetites, and all their legitimate consequences of depravity.

The right of absolute property which the masters held over the slaves contributed most powerfully to awaken instincts of depravity and cruelty. The explanation is easily traced as the means of holding the slaves in ignorance and misery, working without recompense or family, and under the most complete subjection.

Every one is familiar with the different attempts on the part of the slaves to gain their liberty, and how these attempts on the part of the captives to regain liberty and their families were completely frustrated.

It was only by the slow but powerful influence of civilization, the ideas of progress and advancement, and the sentiments of humanity, that this detestable bane of society was first modified, and finally destroyed.

In the present day, all civilized nations are perfectly aware that the general feeling of progress and advancement, and the sentiment of justice, will never endorse any act of degradation, resulting in the bondage of men reduced by tyranny and oppression to the condition of inanimate objects, destitute of feeling or sentiment.

History has registered on its golden pages this glorious conquest of modern civilization. The entire human race, the whole civilized family of all nations and colours, the legislators of all the world, the very legislator of all the universe, amid the clash of arms and the conflict of ideas, all religions and creeds, throughout all political, social, and economical systems, even between the most bitter enemies, they all fraternize and agree upon this one point, lay down their arms and legislate conjointly. All join to combat the evil that destroys and lays waste all societies, to exterminate the plague that seemed unconquerable, notwithstanding all humanity seemed to be engaged in the effort.

The victory, if it be possible, as we sincerely hope it may be, will belong to those who fight for justice and right, and who appeal to the spirit, the laws, and the measures dictated by sound principles of political economy.

Meanwhile, until we are enabled to break asunder the fetters which still weigh down reason and conscience, and the freewill of the natives, which come from the interior to avoid certain death, we must limit our endeavours to the bettering of their condition as much as possible; not that they run any risk of dying for the want

of food, but that they are famishing for instruction, completely destitute of all idea of noble, generous, or elevated feelings; they are completely miserable, because the community in which they live allows them no rights whatever, and only repulses them as a mean and despicable race of beings; miserable from the traditional vices and crimes in which they live, and which they have inherited from generation to generation, and which is continued and encouraged by the very contact with society; they are truly miserable from being completely destitute of all intelligence, and the spirit of right or wrong, without one ray of light to reflect on the mind the image of personal dignity; miserable because the inadequacy of our laws affords them no protection against the violence and abuse to which they are exposed; truly miserable, for they are the pariahs of society, bound only to work, mere labouring machines, employed for the benefit of others, and held as goods or chattels, sold or transferred at the will or caprice of their owners.

The above outline is not less true than revolting.

But unfortunately, not only here and in the present day, but in all times past and in all countries, not only vested interests, but established privileges and abuses, always look upon all new ideas that point to social progress or an assumption of liberty as a violation of justice or infringement of rights.

The periods of transition are always troubled. When old or useless institutions are overthrown; when prejudicial and inveterate abuses are destroyed; when vested interests, leading a sluggish life of contentment, are attacked: when, in a word, important and radical reforms are carried out, it is very difficult, if not impossible, to avoid jarring, convulsions, and collisions, which very often have the appearance of outbreak and disorder.

Whatever exists, even if it has no right to do so, the moment the hand of reform or order touches or overthrows it, at once shouts, complains, and protests; considers itself unapproachable, inviolable, and at once complains against the innovating reform; protests with convulsions of rage or in tears of distress that we are on the brink of an abyss, are falling into anarchy, or are coming to the end of the world. But the tempest calms down, the horizon clears up, the atmosphere is purified, and harmony is restored, confusion disappears, if ever there was any, and the troubles of transition are fully compensated by solid and lasting benefits.

One of our deepest thinkers and most talented men of the day, Latino Coelho, said, in his beautiful style, which all admire, that all new ideas have three periods. In its first period, it is sacrilege; when it undergoes persecution and martyrdom. The second period is that of philosophy; the period of violent argument and discussion. The third period is that of institution; the period of triumph and realization.

All the grand conceptions of mankind, whether of science or of art, belonging to the mind or to the historical occurrences of the world, have undergone these phases above-mentioned.

The greatest revolution presented to us by history, in a social point of view, is certainly that of Christianity—a revolution without soldiers or arms, a revolution of love and gentleness, of peace and liberty.

And history tells us that, when the apostles of Christianity preached the new ideas, the wealthy pagans, the egotists and the privileged classes of all denominations, denounced the new creed as a superstition.

The pagans looked on the preaching of Christianity as a destruction of the former social order in a life of corruption. The Jews looked upon it as a final judgment for the iniquities, abuses, and corruption of a degenerate people.

And as Christianity triumphed, so will this idea of emancipation.

Human slavery was honoured and defended in ancient times by the most eminent philosophers. The doctrine of the equality of man, held against slavery, was at first an utopia of the philosophers, it was afterwards a crusade of all generous and liberal minds, and is now an established truth of all institutions.

Therefore we see nothing in it but what all enlightened ideas might and should have anticipated.

There exists no argument that can justify the many and varied apprehensions which are heard about this emancipation; these fears and apprehensions are doubtless true and sincere in many cases, but in others they serve only to spread discord and confusion among those who would sincerely do their utmost towards emancipation.

Other nations of the world, other Colonies, underwent similar trials and crises, and came out victorious from their difficulties, conquering all obstacles and establishing a perfect equilibrium. Similar doubts and fears were manifested when the ignominious Slave Trade was prohibited, and yet the beneficial result of that abolition, which was the first step towards emancipation, was at once perceived.

It is since that period that our African Colonies have begun to prosper and flourish on the road of civilization and progress, though with tardy and timid steps in consequence of the violence of the commotion.

We can safely affirm that the same will now occur if both Government and private energy will, with united efforts, smooth the difficulties in this transition of liberty and emancipation.

We are convinced that all parties who will not, through obstinacy, permit their interests or caprice to clash against the logical and natural tendencies of this social reform, will accept its liberal

principles, and readily contribute with their good will and labour in the good cause.

It is alleged that the emancipation of this class of slaves will cause a scarcity of hands for labour.

We would say that this argument is one of the most trivial and insignificant that can be adduced in favour of that useless abortion called forced labour, and which is nothing else but slavery.

What reason is there to affirm that free labour is impossible in the aborigines, if it has not yet been tried? Can any one say that work is impossible so long as the produce or compensation reverts in favour of those who render the service? but that it now is so, when the payments go to the pockets of the masters, who are, with few exceptions, the human vampires of their slaves.

Reason and common sense advise us to hope that experience will justify our favourable opinion on this doctrine.

Social truths are not like geometrical facts; reflection alone is not always sufficient to establish them, neither can they be established by theoretical considerations. It is by time alone that they can be justified and confirmed.

Meanwhile, as a guarantee to what we say, and say it from deep conviction, we could refer to hundreds of examples in other countries which are mentioned in a letter which the honourable Members of this Committee received from one of the most prominent names of our modern history, the noble Marquis of Sá da Bandeira, the man who has rendered more services than any one to the cause of liberty, and whose brave sword has ever been one of the most solid supports of the nation.

Were it necessary to adduce further arguments, we would say that legislation should ever bear in mind the good and welfare of the greatest number, that is, the principle of benefit and utility to the greatest number.

If the forced labour of the slaves was distributed in the proportion of one slave to each master, there might be some cause to hesitate before weighing in the scales of justice the advantages of some and the disadvantages of others. It would then be possible that the benefit effected might be equal, or a trifle superior to the evil sustained.

But this is not the case.

The condition of the slaves, notwithstanding the laws regulating the rights and duties of that class* is the part belonging to the greatest number. One master very often counts his slaves like his herds of cattle, by the tens and hundreds. The advantages and interests are on the side of one party alone, the disadvantages on

* See Decrees of December 14, 1854, and July 24, 1856.

that of the greatest number. Even if the evil were not very large, it is evident that the great numbers would make it enormous—immense—and by far too much so to make it possible to continue. Setting aside other considerations, there would be no room for a moment's hesitation between the loss to the master from emancipation of his slaves and the incalculable benefit resulting to them.

There is still another consideration, that free labour is more productive than that of the bondman or slave. It is well understood that violence and fear of punishment are very unfavourable conditions to produce a full yield from the labour of any workman whatever.

Two well-known circumstances contribute very materially to diminish the profits of forced labour—the want of stimulus derived from the want of individual recompense, and the want of guarantee and security. We would also add, the constant hesitation on the part of the slaves that do not work for themselves to show the full extent of their abilities, but always to do less than they can do. Emancipation would certainly be a dead loss to many masters of so much of their property, but the work produced by the freemen would certainly be superior to what they now do, and would revert in their favour, and to the benefit of society.

To provide for the want of hands, so much complained of by agriculturists and artists, we would mention the system adopted in various countries and in foreign colonies with complete success.

In North and South America, where forced labour has long ago ceased to exist, emigration has been considered the best means of solving the question of forced labour.

The United States of America and Brazil owe their immense prosperity to foreign emigration. The Governments of both these countries have protected the importation of emigrants, assisting all such undertakings, encouraging the formation of companies for that purpose, advancing large sums for that purpose, and attracting emigrants by every means.

The labour of man, when properly applied and directed, unfolds and develops the natural riches of the earth. In North and South America labour and intelligence, assisted by a constantly increasing emigration from abroad, have worked wonders of industry, to the astonishment of all the nations of Europe.

Some economists would oppose foreign emigration, from the diplomatic complications to which it gives occasion, an example of which we had lately in the Province of Pará. But this very case, which might have had very serious consequences to the Portuguese Government and the Portuguese Colony established there, should serve as a lesson to us.

As long as there exists a fatal necessity of emigrating from the

metropolis, it is but just and rational that public and private enterprise should employ it in favour of our African Colonies.

The formation of a company destined to assist and to direct to this province the current of emigration, not only from the metropolis, but from different points on the African coast and from the wild bush of the interior, seems to us to be a measure of incalculable benefit and interest. The inhabitants of Krou, not very far from our province, have been tried with the best possible results, showing always a quiet and laborious disposition, sober and honest, and could be of the greatest service to us.

With respect to voluntary emigration from the interior, the Committee is divided in opinion as to the possibility or impossibility of its being carried out.

Some were of opinion that nothing had as yet been done to favour this emigration, and that much might be expected from the advancement and increased enlightenment of the province. Others were convinced that the introduction of negroes from the wild interior could only be effected by purchase, as slavery continues there in full operation.

The necessity of allowing the importation of the aborigines from the interior is generally recognized, as it is the habit and custom of these people from the remotest antiquity to transact these purchases with the wild chiefs of the bush. It is affirmed that this is the only means of avoiding the barbarous murders and horrid slaughter of thousands of individuals, of which we have frequent examples in the Kingdom of Dahomey, and which would be repeated in the interior if they had not a means of getting rid of what they consider as wizards, and very often criminals of imaginary offences.

Supposing it to be a case of necessity, it would be necessary to attenuate its effects, so that any such transaction, permitted or tolerated by law, should not be considered a renewal of the nefarious Slave Trade, the abolition of which was one of the most precious conquests of civilization and progress.

Upon this point the opinions of the Committee diverged considerably. Some were of opinion that the purchase of negroes from the wild interior should be prohibited, on the foundation that such a transaction could never be legal on Portuguese territory, where every one is considered to be free. Other members of the Committee were of opinion that these purchases or ransoms are indispensable, as a means of supplying a want of labourers for agriculture and for transporting goods; and considered this act as one of humanity, inasmuch as it saved the lives of human beings condemned to a certain death; and they would even see that to these liberators the means of drawing the best profit from these operations were guaranteed to them.

It was thus that in Rome they held the position of the captive whose life was spared by the conqueror as a spoil ; or that of the freeman, who, when he sold himself, sold likewise all his rights and privileges.

In this manner the slave was the complete property of the master, and slavery considered a blessing, the offspring of progress, and a gigantic step on the road of civilization.

This doctrine, however well it might once have been accepted, would horrify all modern generations, if we were to pretend to revive it, re-establishing its baneful consequences.

The ransoms can only be accepted as a necessary evil ; and, considered as such, we ought to do all in our power to destroy the system by establishing the best possible terms of friendship with the chiefs of the wild interior, uniting them in peace and harmony with all the neighbouring tribes, creating and establishing reciprocal interests of commerce by means of contracts most scrupulously adhered to, and instilling into their minds the utmost horror and repugnance for slavery.

We know that the task is not an easy one, demanding both time and patience ; but this is the only means of allowing the light of liberty and civilization to dispel the darkness of ignorance.

Meanwhile all vestiges of slavery should disappear from these contracts, limiting the time of service to the least possible term ; prohibiting their being transferable, and making them cease to exist with the death of the purchaser ; and uniting, as much as possible, the reciprocal duties and obligations as between master and servant ; and complete these wholesome precautions by a scrupulous control through the public authorities. The organization of this control by the public authorities is likewise necessary for the freemen ; without this it would be impossible to organize any system of labour, due to the natural peculiarities of the African race.

With the exception of some few tribes in the interior, whose warlike tendencies keep them in constant hostilities, the inhabitants of the interior of Africa are peaceful, timid, extremely sober, and simple in their dress. These qualities of the African race conduce materially to their natural indolence and antipathy to all work. Then the natural fertility of the soil nearly dispenses with all need of labour ; a provident nature supplies them with food and covering without any necessity of labour.

The natural tendency, therefore, is to lead a life of complete indolence. Modern society, however—a well-organized society—does not consist, as some individuals say, in the equal position of indifferent beings, the co-existence of egotistical liberty, but represents the mutual assistance of all its component parts, the realization of the great and eternal law of mutual love and harmony which,

before it was written in the sacred laws, had been engraved in the grand and sublime pages of humanity—Nature.

Fully convinced of this fact, we cannot comprehend the possibility of an indolent and useless liberty. In the same manner that we shudder at the monstrous tyranny that would condemn one man to become the property of another, in like manner reason and common sense warn us to avoid the other extreme.

To emancipate all the individuals called bondsmen by giving free liberty without restrictions would be the same as to emancipate a child, or to set at large all idiots and madmen; instead of benefiting them, it would be affording them the means of working their own ruin, by allowing individuals destitute of reason and common sense, in the innocence of their ignorance, to march to certain destruction.

Labour is the law of all mankind. The African race cannot be exempt of that general law.

The duty of labour seems at first sight to be a direct attack on individual liberty, which authorizes each one to dispose of his capabilities without restrictions, or without consulting any one else, on the condition alone of keeping within the bounds of the law. But we must confess that the African race is not in a position to enjoy this ample liberty; it ignores the duties and obligations which bind the citizens to each other, every man to his family, each family to society, and society to God.

A public guardianship is therefore absolutely necessary, directed by some single person or collective body with moderation, but tending to awaken in the novices of liberty the love of labour, to moderate their impulses and stop their excesses, smooth down the asperities of their habits, and restrain the outbursts of their passions, and finally convince them that certain habits and customs, which they consider inoffensive, are absurd, inadmissible, and criminal.

The Committee discussed very fully the point whether the public guardianship should be exercised singly or collectively; the majority inclined to the formation of a board of supervision. Bearing in mind, however, the special circumstances of this province, where throughout the districts into which it is divided there is a decided deficiency of responsible parties of sufficient instruction and intelligence to whom this delicate duty could be intrusted, the Committee is of opinion that the province should be divided into a certain number of wards, according to the area of the districts, its agricultural and commercial importance, and the number of its population, and that a trustee should be appointed to each ward, invested with all necessary powers.

The Committee would suggest the convenience of appointing

these trustees from the class of the bachelors of law, with the privilege afterwards of entering the magistracy of the province, and receiving a salary proportionate to the responsibility of the office they hold.

If we consider the facility with which the master can aggravate the position of the bondmen by using excessive rigour and violence, very often exacting services beyond their powers, and punishing them severely when unable to comply; on the other hand, if we consider how difficult it is for the bondman or the apprentice to claim and obtain the protection of the law, and how awkward his domestic position becomes after the intervention of the guardian's authority, in case he should obtain a decision in his favour and against his master, we shall the better comprehend the foundation of a great part of the measures adopted in the regulations.

We have only to refer to the measures relating to schooling and apprenticeship.

The duties referred to in these measures are founded on the same reasons that pointed to the absolute necessity of labour. If we knew of any other practical method of drawing an ignorant race of people into the practice of our habits and customs, we would not hesitate in proposing it.

The system of forcing education is not a violation of individual liberty; from its beneficial results it has been adopted in many liberal countries of the world.

Unless rudimentary instruction is sown wide-cast among the natives, establishing schools and apprenticeships that will prepare them for the arts and trades, it cannot be expected that they will make any advancement on the road of civilization, to which it is the duty of the Home Government to lead them.

The absolute necessity of instruction has become proverbial. Proclaiming the law of liberty and equality, and denying the knowledge of this sacred doctrine to all men, is a complete farce, a galling irony. To be publishing laws when the people cannot comprehend them, reminds us of the Roman despot who ordered his decrees to be placarded in such elevated positions that his vassals should be unable to read them.

Education is, without doubt, the most solid support of all societies, and the only means of regenerating them. We can comprehend ignorant absolutism, and only in that light can we comprehend it, said one of our most eminent and popular contemporary writers, in his work on national instruction. Liberty can only be admitted and understood as intelligent and educated.

Instruction has become an absolute necessity, and proclaimed as such in the civil and political codes of the civilized world; it is likewise a necessity proclaimed by the laws of labour, by the philo-

sophy of industry, and by the principles of political economy. This science teaches us that one of the most powerful agents of progress and advancement, and which has had the greatest influence on the machinery of society, is that of contracts; and contracts are unknown amongst an ignorant people unconscious of their rights and duties.

Teaching, education, and labour are three institutions which, when working in harmony with each other, will assuredly guarantee the liberty of this race of people; liberty, that word of magic influence which implies all the generous impulses of all that is noble and good, the recompense of all sacrifices, the reward of all struggles, the award of all sufferings.

Without these three institutions the natives will never be able to collect the fruit of this tree of paradise and fraternity; this veritable tree of good and evil, which throws its branches in all directions to tighten in its embrace the whole human race.

Loanda, March 28, 1875.

JOAQUIM GUEDES DE CARVALHO E MENEZES, *President of the Supreme Court and of this Committee.*

ANTONIO DO NASCIMENTO PEREIRA SAMPAIO, *Secretary-General.* (Signed with a separate declaration on his vote.)

DR. ALBERTO GUEDES COUTINHO GARRIDO, *Civil Governor of the District.* (With a declaration on his vote.)

ANTONIO IGNACIO D'ALMEIDA MARTINS, *Merchant.* (With a declaration on his vote.)

THIMOTEO PINHEIRO FALCAO, *Clergyman.*

MIGUEL DE SANT'ANNA PEREIRA E MELLO, *Treasurer of the Financial Department.*

JOAQUIM EUGENIO DE SALLES FERREIRA, *Professor of the Public School.* (With declaration on his vote.)

FRANCISCO JOSÉ DAS NEVES. (With declaration on his vote.)

ANTONIO FELIX MACHADO, *Merchant and Proprietor.*

INNOCENCIO MATTOSO DA CAMARA, *Mayor of the City of Loanda.* (With a declaration on his vote.)

FRANCISCO BARBOSA RODRIGUES, *Merchant and Proprietor.*

ALBERTO DE SOUZA LARCHER, *Delegate of the Attorney-General.* (With a declaration on his vote.)

ALFREDO AUGUSTO PEREIRA DE MELLO, *First Lieutenant of the Navy.*

CLAUDIO AUGUSTO CARNEIRO DE SOUZA E FARO, *Director of the Public Works.*

To his Excellency the Councillor José Baptista de Andrade,
Governor-in-Chief of this Province.

SIR,

DURING the deliberations of the Committee appointed to investigate the question of labour in this province, such opposite opinions were ventilated that the minority have thought it proper to communicate to your Excellency the fundamental principles of their difference of opinion.

This simple report, unadorned by any flowers of rhetoric or elegance of style, is for the purpose only of explaining opinions that were not accepted; laying aside, of course, all considerations as to slavery (a point completely *hors de combat*), the subject of foreign or European emigration, and some other points ably discussed in the report preceding the proposed regulation, which is most ably elaborated both in spirit and language, notwithstanding some members of the Committee denouncing some of its assertions as untrue or inexact.

1. One of the points in which some of the members of this report could not agree, is that referring to the means proposed for inducing emigration from the interior of the province to our districts. Granted that the population of the province is not sufficient for the labour required, not only from their habits of indolence, but from their very few wants, and the limited extent of the province, and granted the difficulty of obtaining emigrants from abroad, the emigration that seems to recommend itself the most, from the facilities and political advantages that accompany it, is, without doubt, the people of the wild tribes of the interior bordering our provinces, and the people of the tribes under our jurisdiction.

Amongst the wild tribes of the interior slavery is a law, an act of justice, a habit, a tradition, a necessity, a social fact of every day life.

But slavery which is being enforced every day as a punishment, and adopted as a means of ridding the State of troublesome prisoners and individuals, is also an every day fact, and the only corrective we can offer is to ransom all individuals in this position; an operation showing at once its economical, political, and moral advantages.

But to permit this emigration to be carried out by private parties, attracted by the thirst and greed of gain, seemed to the Committee a great mistake, as renewing the Slave Traffic in the interior.

For this reason it was proposed in the Committee that the privilege of importing the wild negroes from the interior should pertain exclusively to the State; for which reasons the conditions would be much easier with the natives; and importing these men as a collective body, and not as private interests, would be the better enabled to distribute these ransomed people to the most convenient localities, engaging them to the most liable and responsible parties, who would offer the best guarantees, and could also watch more efficiently the observance of the contract on the part of the masters.

2. By an almost unanimous vote it was decided in the Committee that it was absolutely necessary to import natives from the bush, or wild interior, and rejecting the system proposed above, it was decided that any party might ransom slaves from the interior, who, in the condition of freemen, should serve the ransoming party for the term of at least 5 years.

By adopting this principle it seemed to the majority of the members of the Committee present that, without exaggeration, all eventualities and consequences could be deduced from it.

And that no attempt was made to exaggerate is shown by the system of precautionary measures offered, regulating the relations between the ransomer and ransomed, all calculated to guarantee, on one side, permanent labour, the aim and object of ransoming, and, on the other, the education and advancement of the ransomed party, the sole aim and purpose of the Government in admitting ransoms.

And we see no reason why, to encourage private parties, to stimulate individual enterprise, and to be enabled to effect the greatest number of ransoms annually, the right and privileges of the ransoming party may not be transferred and inherited by his heirs, if he enjoys the rights and privileges of these services for 5 years.

Notwithstanding the apparent justice of the above remarks, the majority of the members present were of opinion that the motion for transmission of services, although limited to cases where the heir should himself exercise the right in the Colony, and continue to employ the negroes in the same labour in which they had been engaged till then, could not be accepted or admitted.

But if the minor number of the Committee did not succeed in convincing the majority, they in like manner remained unconvinced, and the principal argument employed by the conquerors—that man was not a thing to be inherited—we consider fully answered in the argument that man, in like manner, is not a thing to be acquired.

In reality, if the ransom purchased or acquired only the right to the services, it is that same right, and not the person of the negro, that is transmitted by inheritance; if, contrary to all truth, it is said that not the services but the person of the negro was bought in the ransom, then the objection raised to the transmission by inheritance throws to the ground and completely overthrows the system of ransoming, which is considered by all the Committee, as well as by all practical men, as an indispensable measure.

The fact is, that the duty of working for 5 years, as stated in the proposed regulation, far from constituting slavery, is in reality the only means of accustoming the negro to the habits of labour and industry and to the necessities of civilization, without which man can never rise to anything.

The Undersigned could not, therefore, comprehend why the right of transmission by inheritance of the services of the negroes should be denied, when the right to these services is acquired in the same manner as all other rights transmitted by inheritance.

Besides, the proposed regulation attacks directly the principle of the rights of property, damaging the system of ransoming, as very few will be willing to employ capital to acquire a right which they can never transfer to their heirs, which is certainly prejudicial, as the Committee was of opinion that the ransoming of negroes was necessary.

Then we must not forget that the life of the ransoming party becomes endangered from the moment that a number of wild uncivilized men, lately arrived from the bush, ascertain that the death of their importer is of the greatest benefit to them.

We are perfectly aware that they, by so doing, do not become exempt from labour, as they always remain under the vigilance of the public authorities; but by so doing they certainly would better their condition, otherwise the Committee would not have established that the obligation of labour ceases with the death of the ransomer.

3. There was one point which was not ventilated by the Committee, but which is referred to in the report, and which seems to us to be of the greatest importance, that is, the convenience of liberating the bondmen now existing in the Colony, or of emancipating them at this present moment.

The Decree of the 14th of December, 1854,* which created the class of bondmen, stipulated a term of 10 years for their services.

On the 29th of April, 1858,† it was arranged that slavery would cease to exist on the 29th of April, 1878, and the Decree of the 25th of February, 1869,‡ changed the condition of the slaves into that of bondmen, stipulating that in that condition they should remain until the above 29th of April, 1878.

In virtue of these dispositions, the Committee, in one of their first meetings, were unanimously of opinion that in 1878 only those negroes that had been registered in 1868 (10 years previously), and those registered as slaves in 1855, would cease to be bondmen according to the Decree of the 25th of February, 1869.

Later, in the course of the discussion of the proposed regulation, no occasion presented itself to inquire into the opportune moment for emancipation, and the undersigned members of the Committee would not have reverted now to the subject if they did not see it mentioned in the report, and which on this point did not receive the approval of the majority of the Committee, as the Undersigned are 8 in number and the Committee is composed of 14 members.

* Vol. XLV. Page 1073.

† Vol. XLIX. Page 1063.

‡ Vol. LX. Page 571.

Neither in the moral nor in the economical condition of the Province can sufficient reason be found for shortening the time when all the bondmen (according to some), or when the major part (according to others), shall pass to the condition of perfectly free and emancipated negroes; and if the moral and economical condition of the Province does not recommend such a measure, its political condition certainly advises no one to think of such a thing.

The wild negro of the interior is completely ignorant of our habits and customs, and our tactics and system of warfare; still they attempt to shake off the obedience due to us, and recruit into their hordes the greatest possible number they can of runaway bondmen; and although the greater part of these always return to us, still a large number remain, and these are in all cases, as every one knows, the most inveterate enemies that rise and war against us. This is the reason why, from the boundary districts of the Dembos we are constantly receiving complaints of unjustifiable stampedes of bondmen, who are coaxed and deceived by people from the Dembos or their emissaries.

It is very visible from the above, especially as the Dembos persist in denying the obedience due to us, that the present occasion to emancipate bondmen is politically improper; for these insurgents will have greater facility to recruit people who, accustomed to live with us, will be the better enabled to assist them against us, while the law will be powerless to avoid their emigrating to that country, as the emancipated bondman will undoubtedly have the right of going wherever he pleases.

Besides, the present condition of our forces is not at all favourable to the emancipation of bondmen. The insufficient number of our forces is still more insufficient for active service, as the corps cannot be made up or completed, and our forces are spread all over this extensive Province, as there are no forces in the districts besides the troops of the line.

In view of its military organization, the Province is not in a position, therefore, to admit of the immediate emancipation of the negroes, neither in an economical point of view, as the first measures to be adopted to prepare for the change, and to meet the effects of the crisis, are those now proposed in the regulation.

These considerations, which seem to us important, meet with no objections from the present state of the bondmen, and it is on this point that the Undersigned disagree entirely with the report of the other members of the Committee.

If the bondman is not exactly what the legislator of 1854 would have him to be, he is far from deserving all the considerations applied to the horrors of slavery.

The law says that the bondman is a free man, with the duty,

however, of serving a certain length of time, and to a certain extent he is as free as this duty will allow him to be.

To say that he enjoys no civil rights is to ignore completely the fact that there is not one bondman who has served for some time but who finds an opportunity, on days or hours of rest, to labour at his profession or occupation, the produce of which is always truly and religiously respected.

Many bondmen own or command the services of other bondmen, and some are even proprietors; and amid all the different complaints against different masters, there is not one against the withholding of the earnings of the negroes.

To compare the bondman of the present day with the slave of 20 years ago is a greater exaggeration than would be the drawing a parallel between the civilized European and the very bondman of the present day.

The slave could not own or possess anything; the bondman can own anything. To the first it was scarcely permitted to ask to be sold; while the bondman has the privilege of indemnifying his master, and becoming absolute master of his actions and labour, with the assistance of the laws and the intervention and favour of the State.

Notwithstanding the laws, the slave does not resemble the bondman, not only because their habits and customs are different, but because the authorities would not permit it; then the action of the law and the authorities, far from being null or of no force, as some persons would imply, has been vigorous and of the greatest advantage, as can be shown by the archives of different public departments, and especially that of the head Government of the Province, the Board of Protection of the Bondmen, of the Courts, and of the Town Council of Loanda.

The bondmen are not ill-treated. We are not in the habit of using ill-treatment, and besides its being against the interests of the masters to ill-treat them, the authorities are very vigilant. It is not to be wondered at that there should be exceptions to this rule; moral aberrations have, unfortunately, been met with since the days of Cain. There are exceptions, it is true; we all know it, unfortunately: but the ill-treatment of one or two negroes, the existence of one or two brutal masters, are but the exceptions of the general rule and character.

Because a soldier murdered an officer a few days ago, because a similar example had occurred some time previous, it cannot be said that in Portugal the soldiers murder their officers.

These are the main points in which the Undersigned differ with respect to the proposed regulation, and the report preceding it. It may be rather laconically drawn up owing to want of time, and to

the idea that, from its very nature, it demanded simplicity in form and brevity of argument.

Loanda, March 31, 1875.

ANTONIO DO NASCIMENTO PEREIRA SAMPAIO, *Secretary of the Government, Member of Committee.*

ALBERTO DE SOUZA LARCHER, *Delegate of the Attorney-General for the Crown.*

INNOCENCIO MATTOSO DA CAMARA, *President of the Municipal Chamber, and Proprietor.*

ANTONIO IGNACIO D'ALMEIDA MARTINS, *President of the Commercial Association.*

JOAQUIM EUGENIO DE SALLIS FERREIRA, *Professor of the High School, and Secretary of Committee.*

FRANCISCO JOSÉ DAS NEVES, *Member of the Provincial Council.*

ANTONIO FELIX MACHADO, *Merchant and Proprietor.*

DR. ALBERTO GUEDES COUTINHO GARRIDO, *Administrator of the District of Loanda.*

To his Excellency the Governor-General of Angola.

Motion for the Regulation of Labour in the Province of Angola.

CHAPTER I.—*Tutorage.*

ART. 1. The following are under public tutorage or guardianship:—

(1.) The individuals declared to be free by the Decree of the 25th of February, 1869.*

(2.) All individuals under bondage anterior or previous to the said Decree.

(3.) The persons mentioned in Chapters 3, 4, 5, and 7 of the present Regulation.

§. The following are not under public tutorage or guardianship:—

(1.) All individuals exercising any art or profession by which they gain their subsistence.

(2.) All individuals presenting diploma obtained in public schools or colleges.

2. Public tuition is exercised by magistrates appointed by the Crown, with judicial and administrative powers, which will be called guardians.

§ 1. The Province will be divided into 10 wards at least; and each ward will be under the control of a guardian.

§ 2. The boundaries of the wards, and the respective head or seat of each one, will be determined by special decree, having in view their area and population.

3. Appeal can be made from the decisions of the guardians to the Governor-General, and to the President of the Superior Court, according to the nature of the decision, whether administrative or judicial.

§ When the decision of the guardian is against the indentured party, the guardian will send the brief to the superior authority to whom it may belong, to confirm or repeal.

4. The public tutorage referred to in Article I will exist during the term of the apprenticeship or argreement.

5. All individuals under public guardianship are obliged to work, with the privilege of stipulating the conditions, which, in price, can never be inferior to the annexed Schedule.

§. This Regulation has no reference to the individuals mentioned in Chapter VII.

CHAPTER II.—*Agreements.*

6. All persons under the public guardianship are obliged to engage their services for the term of 4 years, divided into two or more periods, by means of two or more agreements.

§ 1. The term of each agreement cannot exceed two years.

§ 2. The agreements are made out in duplicate, one copy going to the master and one to the apprentice, after being registered and checked by the guardian.

§ 3. These agreements or engagements are perfectly free with regard to the choice of masters.

§ 4. All agreements for the term of two years are preferable to a minor term.

§ 5. In case of more agreements they will be renewed within 15 days, in the manner stipulated in this Article, under penalty of from 8 to 15 days' labour in the public works, at a salary of 60 reis per day, with double the penalty continually in cases of repetition.

§ 6. The disposition of this Article and its paragraphs does not refer to individuals mentioned in Chapter VII.

7. Agreements can be made for—

- (1.) Tending labour alone.
- (2.) Labour and agricultural interests.
- (3.) Agricultural interests alone.
- (4.) Serving in the Province.
- (5.) Serving in a different province.
- (6.) Apprenticing in some art or profession.

8. All agreements mentioned in the preceding Article, if not made in conformity with the 6th Article and its paragraphs, are null and void, and punishable by law.

§ 1. Any one engaging one of these apprentices in contravention

of this Article will be punished with the fine of 10 milreis for the first time, and double the amount for each repetition.

§ 2. If the engagement be for another province the fine for each apprentice will be 50 milreis not being duly apprenticed.

§ 3. These fines will be received or executed by the Administration of the District.

§ 4. These fines will be distributed in benefit of the apprentices.

9. The agreements can be made for salary only, or for salary, food, and dress.

10. The contract drawn up must stipulate very clearly all the conditions, specifying the amount of salary, and if the master is bound to supply food and dress, the labouring days, and the working hours of each day.

11. In agreements for the letting or hiring of lands, should they include services or labour, they cannot be stipulated for more than two-thirds of the day, or 16 hours in every 24; neither can they exceed the term of 4 years, nor stipulate a fixed price or time for the sale of the produce.

§. Whenever the landlord is the exclusive purchaser, and there should be any difficulty about the price, the price at the Town Hall, or of the Committee of the Municipal Chambers, must be adopted.

12. The term of the agreements made according to Article 6 will be considered prorogued, unless revoked in the manner stipulated in this Regulation.

§. This Article does not affect the one in Chapter III, respecting the class of carriers.

13. The contracts or agreements cannot be annulled or set aside without the guardian being heard and consulted.

14. Either party having just cause to set aside a contract will first petition the guardian, who will then examine the cause for the repeal.

15. It will be considered a just cause on the part of the apprentice when arising from—

(1.) A want of execution of the legal obligations, to the extent of making it difficult to continue together.

(2.) The non-execution on the part of the master of his obligations towards the apprentice.

(3.) Illness and incapacity on the part of the apprentice, disqualifying him for labour.

(4.) Change of residence of the master to any place not convenient to the apprentice, or the decease of the master.

(5.) Punishment or ill-treatment of the apprentice by the master.

16. On the part of the masters the following will be considered a just cause—

- (1.) Incapacity of the apprentice for the services agreed upon.
- (2.) When the apprentice does not execute or observe the duties and conditions of the contract.
- (3.) Vices, sickness, or bad conduct of the apprentice.
- (4.) Failure or want of means of the master.

17. The apprentice has right to his salary when the cause of the repeal of contract is not against him.

18. The apprentice who, in non-observance of Article 13 of this Regulation, abandons his master for one month, will lose the right to his salaries due, including the time absent, which will be credited to the one newly agreed.

19. The apprentice that abandons arbitrarily his master from 1 to 6 months shall serve, beyond the time agreed, double the time he was absent, losing all salary due and not paid.

20. The apprentice that abandons, in like manner, his master for more than 6 months will be considered a vagabond, and, as such, punished, agreeably with Chapter VII of the present Regulation.

§. In case of absence of the apprentice the master is bound to give notice of the fact to the Chief of the District within 15 days, under penalty of 5 milreis fine, and the loss of the time, in the term of the contract, from the departure of the apprentice till the time of the notice given.

21. The master dismissing an apprentice without just cause for doing so, before the ending of the contract, and contrary to the disposition of Article 3, will be bound to pay to the apprentice the entire salary of the time wanting to complete the contract.

22. All the fines and penalties referred to in the present Chapter will be adjudged agreeably with Article 104.

CHAPTER III.—*Class of Carriers.*

23. Carriers will be permitted to refuse agreements for the time stipulated in this Regulation, and accept daily services or for shorter terms.

§ 1. This class will be organized in companies and divided into districts, under a head or chief, appointed by the Administrator of the District.

§ 2. Persons belonging to this class will be duly registered in a special book by the Administrator of the District, who will register their names, ages, where born, and special mark or sign, and will wear a medal with a number, which will be given them by the said Administrator.

24. Any carrier not showing his written register, or not using the

medal given him, or having changed it, will pay a fine of 500 reis, doubling the amount in case of repetition.

§. In case of being unable to pay the fine, he will be condemned to the public works for 10 days, earning 60 reis per day; in case of repetition the fine will be double.

25. Any carrier duly registered refusing to do the work of his profession for the payment marked in the proper Schedule will be liable to the same penalty of the above paragraph.

26. Any carrier in the habit of refusing to serve, without a justified motive, will be considered a vagabond, and punished as such, agreeably with Chapter VII of this Regulation.

27. The service of the carrier consists in the carrying of maxillas (the "sedan" of the country), in carrying loads, and all similar services.

28. The carrier engaged for any service cannot abandon it without concluding it, unless just cause be shown, under penalty of losing the stipulated payment.

29. The number of carriers will be determined by the amount of labour required in the locality.

30. Any carrier making an agreement by the month must give notice of it to the head man or chief, who will advise the Administration of the District.

§. The carrier thus engaged must get a certificate from his master, registered in the Administration of the District.

31. In case of death or absence of any of the carriers, their chief will give notice of it to the Administration of the District.

32. All agreements with carriers will be subject to the terms and dispositions of this Regulation with respect to the rescissions and penalties.

33. If the carriers are engaged as couriers out of the city, their services will be regulated by the 1410th and following Articles of the Portuguese Civil Code.

CHAPTER IV.—*Contracts out of the Province.*

34. All contracts out of the Province will be liable in substance to the conditions already established.

35. These contracts can be made by the masters or landlords, and by the agents or brokers appointed or authorized for this purpose by the Provincial Government, on giving security.

§. The contracts referred to in this Article will be celebrated with the formalities already established, the agents giving notice to the Administration of the District and to the Provincial Government of all such engagements.

36. The passage of the apprentices engaged out of the Province, if not conducted by the official agents, can only be made in vessels

under a security or deposit of 50 milreis per ton, with the responsibility on the vessel, the owner, and master.

37. The engaging agents must declare before the chief or head of the district the place or deposit from which they receive the apprentices before embarking them, that they may be inspected by the administrative authorities and health officers.

38. The guardian, together with the Captain of the Port and the health officer, will examine the accommodations, provisions, and water supply of the vessels, to ascertain that all are sufficient for the number of the engaged apprentices, and will stipulate the greatest number that the vessel can carry.

39. These contracts or engagements will be registered at the registrar's office or Administration of the District, according as they may have been made with apprentices or others.

40. On registering these contracts, according to the preceding Article, both the engaged and engagers must be present; the latter declaring through the medium of sworn interpreters, if they are or are not engaged of their own free will; when it will be shown to them that they are perfectly free citizens, and the spirit of the contract explained to them, together with their rights and duties.

§. The interpreter that does not truly and faithfully execute the directions of the present Article will incur the penalties of the 242nd Article of the Penal Code.

41. After registering the contracts, the Registrar or Administrator of the District will take 3 authentic copies, delivering one to the engaging party, one to the engaged, and the third he will send to the chief authority of the district where the engaged party is going to serve, to be there duly registered.

§. The contracts of the present Article shall state the period of the engagement, the conditions and the obligation of the engaging party to pay the passage of the engaged back to the Province from which they were contracted, when petitioned within 30 days after the ending of the present contract.

42. It is expressly prohibited to contract for the services of people out of the Province, under the conditions specified in the Vth Chapter, Article 47, of this Regulation, before the conclusion of the term of the services for which they are engaged.

43. It is likewise prohibited to engage minors under 18 years of age, unless authorized by their fathers, mothers, or tutors.

§ 1. When the age is not known by documents the probable age will be taken.

§ 2. The guardian is the proper party to decide in this case.

44. No contract for service out of the Province can exceed the term of 5 years.

45. Having concluded the term of the engagement or contract,

the apprentices or contracted parties cannot be obliged to work as such, to satisfy even any debt that they may have contracted.

46. Any person attempting to evade the obligations of the present Chapter will be punished with the rigour of the 455th Article of the Penal Code.

CHAPTER V.—*On Individuals coming from the Interior not subject to the Crown.*

47. All slaves coming from the interior not subject to the Crown to any part of the Province are considered free, with the duty, however, of engaging themselves for a term not exceeding 5 years to the person who ransomed them, and with a salary not inferior to that established in the Schedule annexed to this Regulation.

§ 1. This agreement is not transferable.

§ 2. If the parties mentioned in the present Article are ransomed by the Government they will be under public guardianship, enjoying the benefit of the stipulations of Articles 1 and 2.

48. Every individual thus ransomed must be presented by the ransoming party to the guardian of the district where he is going to remain within the lapse of a fortnight after his or her arrival, and there registered in a special book, as determined in the first paragraph of the 6th Article, declaring the amount for which he or she was ransomed.

§ 1. The price of the ransom will depend on the locality where it is carried out.

§ 2. In case of dispute on the price of the ransom, the amount will be stipulated by an arbiter appointed by the guardian and the ransomer.

§ 3. In case of not agreeing, the name of one of the parties indicated by both will be drawn by lot.

§ 4. The contravention of this Article is punishable with the loss of the right to the time of the services secured in Article 47.

49. The individuals ransomed according to this Chapter have the right of forestalling their services by indemnifying their creditor with the exact amount.

§. If the ransomed individual, wishing to purchase his freedom, has served more than a year, the value of that year's service shall be deducted from the price of the ransom, by paying only for the balance of the time.

50. Any person ransoming a negro can only abandon him by giving up all right to his services in the following cases:—

1st. By mutual accord with the ransomed party in the presence of the guardian.

2nd. From absolute want of means to fulfil the conditions of the contract.

51. At the end of 5 years' service, or in case of executing the 49th Article, the ransomed negro will be considered under the stipulations of this Regulation.

52. The tacit prorogation of the agreement established in the 12th Article has no application to the individuals included in the present Chapter.

53. The person receiving the services of ransomed individuals is obliged to supply them with wholesome and abundant food, and decent and necessary dress.

54. The stipulations of Chapter II are applicable to the ransomed negroes in every respect not provided in this Chapter, and not in contradiction with it.

55. All the stipulations of this and the preceding Chapters bear reference to individuals of both sexes, except when inapplicable to either of the sexes.

CHAPTER VI.—*Instruction and Apprenticeship.*

56. All children and individuals between the ages of 7 and 15, residing in the Province, are obliged to frequent the primary schools.

57. All fathers, tutors, and any persons residing in settlements where there are primary schools established, or within a kilometre of them, are obliged to send their children, wards, or others under their charge, to school, and to keep them there until their primary education is completed.

§ 1. This stipulation is alone inapplicable to those that show that their minors receive instruction at home or at private schools.

§ 2. To those who cannot easily dispense with the labour of their minors, the professor may, together or conjointly with the Administrator of the District, allow them to be sent to the primary school 3 times a week.

58. Any one not observing the stipulations of the preceding Article will be first admonished by the competent authorities, who will likewise intimate to them to send their children to school, advising them of the fine to which they expose themselves in case of disobedience.

59. For the observance of the 57th Article the professors of the primary schools, together with the respective clergyman of each parish, during the holidays of every year, will draw up a list of all the individuals between 7 and 15 years of age residing within the bounds of the school who are obliged to attend.

60. The enrolment to the primary schools, for the purpose of the 62nd Article, must be effected within the first fortnight of every

year, notwithstanding that during any period of the year any scholars will be admitted on presentation.

61. The scholars must not fail attending at school during the year, except from sickness or with permission of the professor, for more than 20 successive or intermediate days during the year.

§. The excuse of sickness is alone admissible when accompanied by a doctor's certificate or by the clergyman of the parish.

62. Any one not sending his children to school will pay a fine of from 60 reis to 500 reis for every absence not justified.

63. The fines mentioned in the above Article will be imposed by the head of the district.

§ 1. For that purpose the professor will send to that magistrate, by the 8th of every month, a list of the scholars who have missed attendance, and the number of times.

§ 2. After the payment of the fine the mulcted party can appeal to the head Inspector of Public Instruction of the Province.

64. The amount of the fines will be deposited in the Financial Department of the Province, to be applied to the purchase of books for the schools.

65. No scholar will be exempted from attending school until he has successfully passed examination of primary classes.

66. Any one employing more than 200 persons belonging to the public guardianship will be obliged to have a primary school, which will be visited at least once a year by the public guardian.

§. The apprentices in the employ of the owner of the school are as liable to the fines for non-attendance as the owner for not enforcing it.

67. The Government will establish, as soon as possible, professional instruction in the Province, in agricultural, industrial, commercial, and artistic matters.

68. Until these schools are formed in the Province professional instruction will be given by indentures of apprenticeship made with the masters.

69. The indentures of apprenticeship will be made, on application or by a petition to the head of the district, where a special book will be kept for that purpose, and where the names and residences of all the contracting parties will be there registered.

§. In both cases the spirit of the 8th, 9th, and 10th Articles will be observed.

70. The term of these indentures can never exceed a period of 5 years.

§. The indenture, however, can be renewed agreeably with the 12th Article.

71. If before the lapse of the indenture the apprentice can prove that he is able to gain an honest living by exercising his art or pro-

fession, he will continue to work in the house where he was apprenticed, but in the capacity of workman or labourer until the expiration of the term of the indenture, but earning the regular salary stipulated for such work or labour.

72. The master or owner of the establishment, agreeably with Articles 9 and 10, binds himself to—

(1.) Pay to the apprentice the amount stipulated in the Schedule annexed ;

(2.) Maintain the apprentice with wholesome and abundant food, and supply him with decent dress, when under 15 years of age ;

(3.) Have him vaccinated as soon as possible ; and, if a minor, to supply him with a doctor when required ; and in case of death have him buried at his (the master's) expense.

73. No master or owner of an establishment will be permitted, at any time whatever, to transfer to another master his apprentice without the concurrence of the guardian.

74. In like manner no apprentice can abandon the service of the person with whom he contracted, excepting in the case provided for in the 14th and following Articles of this Regulation.

75. Both the master and apprentice that discard their contract will be liable to the penalties of this Regulation.

76. In case of the master or owner of an establishment, having apprentices, dying, his heirs or assigns holding the establishment will, within 4 days after the death, give notice of the same to the public guardian to be enabled to renew the contracts under the conditions already established.

77. These contracts of apprenticeship, in all other respects not mentioned in this Chapter, will be subject to the general rules established in the present Regulation.

CHAPTER VII.—*Vagrants and Vagabonds.*

78. Any one not having a fixed residence, or means of subsistence, or a declared profession, or who cannot show cause of *force majeure* to justify his being under these circumstances, will be considered a vagrant.

79. Any one not working at a trade or profession by which he gains his means of subsistence, and not being able to justify his position, will be considered a vagabond.

§. All those individuals who should be subject to public guardianship, yet withal are unable to show any contract for service or labour, according to this Regulation, will be considered as vagrants and vagabonds, according to this and the preceding Article.

80. Any one duly considered as vagrant or vagabond will be

handed over to the administrative authorities to undergo the penalties imposed on him.

81. All vagrants and vagabonds will be subject to forced labour on the public works and establishments of the Province for a period of at least two years, earning the salary stipulated in the annexed Schedule.

§ 1. They may, however, at any time, contract with private parties for their services, under conditions established for these contracts, in which case they cease to labour on public works; the public authorities, however, continuing their vigilance upon them.

§ 2. Any one classified as vagrant and vagabond contracting his services with any private parties, on returning to his former habits of idleness and vagrancy, will be obliged to labour at public works for the whole period for which he may be condemned as a penalty.

§ 3. In case of repetition he will be handed over to the superior authorities that he may be enlisted in one of the regiments of the line.

82. The contracting party referred to in the first paragraph of the preceding Article can at any time petition for the rescission of the contract on presenting the vagrant or vagabond to the competent public authorities that he may work out the remainder of the term on the public works.

83. If the vagrant or vagabond without a justified motive enter a residence or any outhouses belonging to it, or if discovered in disguise, or found to be the possessor of any object of value exceeding the sum of 5 milreis, he will be handed over to the competent magistrates for the application of the 258th Article of the Penal Code.

84. The 260th and 263rd Articles and their paragraphs of the Penal Code are applicable to the present Regulations.

CHAPTER VIII.—*General Measures.*

85. The 328th and 329th Articles of the Penal Code are fully applicable to the apprentices and other natives.

86. Masters can punish their apprentices only to the extent allowed by law to all heads of families, with regard to their servants and children.

87. Any one found intermeddling or tampering with apprentices, or tempting them to abandon their work, will be liable to the penalties imposed in Articles 266, 342, 343, and 344, and their paragraphs of the Penal Code.

88. All the public authorities whom the observance and execution of the present Regulation may concern, will, in case of

neglecting or violating it, be immediately and severely punished with the penalty of the law.

89. The Central Government will appoint every year one or more inspectors, who will visit the different points of the Province, for the purpose of seeing that these Regulations are duly observed.

§. These inspectors will be supplied with special instructions from the Government, and at the end of their visit will present a written report of their observations.

90. The head department of the Provincial Government will superintend all the guardians as to the observance of these Regulations.

91. In harmony with the preceding Article, the guardians will send to the head Government, every 6 months, a copy of all the contracts made during the preceding 6 months, as also a list of all the persons subject to public guardianship, a report of all the fines imposed, and of all the alterations and innovations made in the respective books.

92. The guardian's office must contain, besides the register of all official correspondence :—

1 register of all individuals subject to public guardianship in that district.

1 „ agreements with apprentices.

1 „ carriers.

1 „ agreements with ransomed natives from the interior.

1 „ contracts in the province.

1 „ securities.

1 „ all minors from 7 to 15 years of age under public guardianship.

1 „ indentures of apprenticeship.

1 „ vagrants and vagabonds.

1 „ fines and fees.

1 „ offences and punishments.

1 „ all disputes and decisions with apprentices.

93. All these books will be checked by the Secretary-General of the Government, and supplied by the Finance Department.

94. The registers of contracts, agreements, and securities, must always be signed by the guardian, and by the parties themselves when they can write, and by two witnesses.

95. The fines will be collected at the head of the district, in a special deposit, by means of orders made out by the guardian.

96. The action for the payment of the fines is summary.

97. The deposit of the fines will be held under 3 keys—the clergyman of the parish, and two persons appointed by the superior authority.

98. The amount of the fines will be applied for the benefit of the apprentices.

99. These amounts will be sent every 3 months to the head department of the Government, and from there deposited in the Department of Finances.

§. The spirit of this Article, however, will not hinder the 3 treasurers from disposing of the sums thus collected in objects for the benefit of the apprentices of their district, but with the approval of the General Government.

100. Half of the amount of the fees collected will be proportionately distributed among the employés of the district, agreeably with the 348th Article of the Administrative Code, and the other half will be deposited in the treasurer's hands, to be applied agreeably with the 98th Article above.

101. Every master, head workman, or contractor, is obliged to have a copy of this Regulation, duly registered by the local authorities.

102. The public guardians will furnish to the Central Department of the Government an annual report on this subject, proposing and fully explaining any alterations or modifications they may think convenient, on the present Regulation.

103. The public guardians are authorized to make domiciliary visits to the residences of the apprentices, and order them to appear before them once a year, without alleging cause, the better to carry out the dispositions of this Regulation.

104. The guardians, appointed agreeably with the 2nd Article, are the competent parties to judge and impose all the fines referred to in this Regulation with respect to the apprentices.

105. The guardians referred to in this Regulation are bachelors of law, liable to be promoted to the magistracy,—as well as the under magistrates of the Crown.

§. The manner of their appointment, their salaries and promotions, will be duly established by special Decree.

106. Any public guardian who, from fraud or ill-will, does not execute the dispositions of the present Regulation, will, besides incurring the penalties imposed in the 88th Article, forfeit the privilege of exercising any public employment for 15 years.

District of Loanda.

SCHEDULE NO. 1.

Salaries of Individuals comprehended in Chapters I and III of this Regulation.

| | | | | | Reis. |
|---------------------------------------|----|----|----|--------|-------|
| Servants or serving men, daily ration | .. | .. | .. | 60 | |
| " " monthly salary | .. | .. | .. | 2\$000 | |
| Carriers, by the month, daily ration | .. | .. | .. | 60 | |
| " " monthly salary | .. | .. | .. | 2\$000 | |
| Cooks, daily ration | .. | .. | .. | 60 | |
| " monthly salary | .. | .. | .. | 4\$000 | |

Carriers of Maxillas within the limits of the City.

| | Reis. |
|---|-------|
| In the upper or lower city, for each fare | 60 |
| From the upper to the lower, or <i>vice versâ</i> , for each fare.. | 90 |
| Carriers, by the hour... .. . | 60 |
| Bricklayers, by the day | 400 |
| Carpenters | 500 |
| Pavior, | 300 |
| Workmen of any other trade, by the day | 500 |
| Minors, by the day | 45 |
| Assistants over 15 years of age, per day | 90 |

SCHEDULE NO. 2.

Agricultural Labour with Grounds or Lands.

| | |
|---------------------------|--------|
| To men, per day | 60 |
| „ per month | 1\$500 |
| To women, per day | 45 |
| „ per month | 1\$000 |

SCHEDULE NO. 3.

Agricultural Labour without Lands.

| | |
|----------------------------|--------|
| To men, per day | 100 |
| „ per month | 2\$000 |
| To women, per day | 90 |
| „ per month | 1\$600 |
| To minors, per day | 30 |
| „ per month | 1\$200 |

SCHEDULE NO. 4.

For Individuals mentioned in Chapter V.

| | |
|--|-----|
| Daily ration | 60 |
| Per month | 500 |
| To be supplied with clothing twice a year, and medicines and doctor when required. | |

SCHEDULE NO. 5.

For Individuals mentioned in Chapter VII.

| | |
|--|----|
| Per day | 45 |
| To be supplied with clothing, medicines, and doctor. | |

SCHEDULE NO. 6.

On Apprentices.

| | |
|---|--------|
| Adults of 15 years of age, per day | 60 |
| „ „ per month | 1\$500 |
| Masters will be bound to supply to minors under 15 years of age food and dress, as also proper treatment in case of sickness. | |

Cities of Benguella and Mossamedes.

SCHEDULE NO. 7.

| | Reis. |
|--|--------|
| Carriers of litters, &c., ration, per day | 45 |
| „ „ „ monthly salary | 1\$200 |
| Servants or helps, daily ration | 45 |
| „ „ „ monthly salary | 1\$000 |
| Carpenters, shoemakers, tailors, smiths, tinkers, brass-beaters, and other similar trades, for every working day, besides their food | 200 |
| Bricklayers, paviors, and similar trades, for every working day, besides food | 150 |
| Workmen of inferior trades, as potters, cooks, &c., for every working day, besides their food | 50 |
| Assistants over 15 years of age, a monthly salary, besides their food | 600 |
| Assistants under 15 years of age, besides their food, a monthly salary of | 300 |

SCHEDULE NO. 8.

Agricultural Labour.

Without concession of land—

| | |
|---|-----|
| To men, besides the daily food, a monthly salary of .. | 600 |
| Women, „ „ „ „ „ .. | 480 |
| Minors, from 10 to 15 years of age, besides the daily food, a monthly salary of | 240 |
| Minors of 10 years of age, food and dress. | |

With concession of lands—

One-half of the monthly salaries above.

SCHEDULE NO. 9.

To Ransomed Individuals.

| | |
|--|-----|
| Daily rations | 60 |
| Monthly salary for the 1st and 2nd years | 300 |
| „ „ 3rd, 4th, and 5th years | 500 |

SCHEDULE NO. 10.

Individuals included in Chapter VII.

The same as Schedule No. 5.

SCHEDULE NO. 11.

For Apprentices.

| | |
|---|-----|
| Over 15 years of age, besides the food, a monthly salary of | 200 |
| Under 15 years of age, food and clothing. | |

Note.—In all localities subject to these Schedules, as well as in the districts of the interior, the maintenance of the apprentices may be made at the expense of the masters, doing away with the payment for daily rations.

Districts of the South and East.

SCHEDULE No. 12.

Porters and Carriers.

Reis.

Stipulated distances, each day '300

In other respects the Schedules of the districts hold good. No load can
exceed 96 lbs.

EGYPT.

*Major-General Stanton to the Earl of Derby.—(Received
January 29.)*

(Extract.)

Cairo, January 6, 1875.

I HAVE the honour to forward herewith to your Lordship a despatch, with its inclosures, which I have received under flying seal from Her Majesty's Consul at Jeddah, relating to the existence of the Slave Trade in the Hedjaz and the Yemen, as well as the measures proposed by him for its suppression; and I beg to inform your Lordship that I have forwarded a copy of Captain Beyts' despatch to Her Majesty's Ambassador at Constantinople.

The Earl of Derby.

EDWD. STANTON.

(Inclosure 1.)—Captain Beyts to the Governor of Jeddah.

EXCELLENCY, (Translation.) Jeddah, December 24, 1874.

I HAVE the honour to inform you that this day 4 slaves presented themselves before me, seeking the protection of Her Gracious Majesty the Queen of England, and requesting me to procure them their liberation from slavery. Upon questioning them I found they were owned by 4 different subjects of the Porte; I therefore send them to you, trusting that you will cause them to be liberated and well treated, in accordance with the existing Treaties on the subject between the Sublime Porte and the British Government.

I am sending a copy of this communication to Her Majesty's Consul-General for Egypt, for transmission to the English Ambassador at Constantinople, and I request your Excellency to send a similar copy to the Governor-General of Mecca.

I have, &c.,

The Governor of Jeddah.

G. BEYTS.

(Inclosure 2.)—The Governor of Jeddah to Captain Beyts.

SIR, (Translation.) Jeddah, December 25, 1874.

I DULY received your letter of the 24th instant, referring to
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the 4 slaves who sought liberation and protection from the British Government, requesting me likewise to conform to their desires, and transmit a copy of your letter to me to the Governor-General.

In pursuance with your wishes, I find the 4 slaves in question have good grounds for being dissatisfied with their masters, and in order to meet your wishes I send to the Governor-General copy of your letter, with some of the slaves, whose masters reside at Mecca, and I have taken measures to ensure their being well treated.

I have, &c.,

Captain Beyts.

GOVERNOR OF JEDDAH.

*Major-General Stanton to the Earl of Derby.—(Received
December 13.)*

MY LORD,

Cairo, December 4, 1875.

I HAVE the honour to report to your Lordship that during an interview with the Khedive this morning His Highness mentioned to me that he had received intimation of the death of Munzinger Pasha, who had advanced a considerable way from Tajourah towards the country of Shoa, with the view of entering into communication with Menelek, Prince of that territory, when he was treacherously murdered by the natives.

I am unable to inform your Lordship how far Munzinger Pasha had penetrated from the coast, but it is stated that at first he was well received by the inhabitants, and it is supposed a Proclamation issued by him prohibiting the Slave Trade in that district was the cause of his death, Tajourah having been up to the present one of the principal places of export for slaves on that part of the African coast, and the country in the neighbourhood one of the principal strongholds of the slave-dealers; and I gather from the Khedive's conversation that His Highness anticipates some difficulty in maintaining his authority at that port in consequence of his determination to prevent the export of slaves from Egyptian territory.

I have, &c.,

The Earl of Derby.

EDWD. STANTON.

FRANCE.

The Duc Decazes to Lord Lyons.

M. L'AMBASSADEUR,

Versailles, le 3 Décembre, 1874.

EN apprenant les mesures que le Gérant du Consulat de France à Zanzibar a dû prendre contre le patron du boutre *Fatal-Kaber*, et dont Lord Lytton m'avait entretenu le 10 du mois dernier, M. le Ministre de la Marine a recommandé de nouveau aux autorités de Mayotte d'exercer la surveillance la plus active sur les embarca-

tions portant pavillon Français. Il a prescrit en outre que de nouvelles précautions soient prises pour éviter le retour de faits tels que ceux relevés à la charge du *Fatal-Kaber*. À l'avenir les rôles d'équipages des boutres armés ou françaisés dans notre Colonie devront porter non seulement le nom et la qualité des officiers et matelots, mais aussi le nom, la qualité, le sexe, et la profession des passagers, ainsi que l'âge approximatif de toutes les personnes embarquées.

Agréez, &c.,

Lord Lyons.

DECAZES.

Lord Lyons to the Earl of Derby.—(Received February 6.)

MY LORD,

Paris, February 3, 1875.

WITH reference to your Lordship's despatch of the 9th ultimo, and to my despatch of the 13th ultimo, I have the honour to inclose a copy of a note which I received last night from the Duc Decazes in answer to the note in which I made him acquainted with the suspicious circumstances under which a dhow, showing French colours, had been boarded by the boats of Her Majesty's ship *Thetis*.

The note states that the facts have been communicated to the French Admiral on the Indo-Chinese station, and that fresh instructions have been sent to that officer to prevent the abuse of the French flag by native vessels.

I have, &c.,

The Earl of Derby.

LYONS.

(Inclosure.)—The Duc Decazes to Lord Lyons.

M. L'AMBASSADEUR,

Versailles, le 26 Janvier, 1875.

JE me suis empressé de porter à la connaissance de M. le Ministre de la Marine la lettre que vous m'avez fait l'honneur de m'écrire le 13 Janvier dernier, et à laquelle était joint un rapport de M. le Commandant de la frégate Anglaise la *Thetis*. M. l'Amiral de Montaignac répondant à ma communication m'annonce qu'il s'est empressé d'adresser une copie de ce document à M. le Commandant-en-chef de notre division navale de l'Indo-Chine, et il a saisi cette occasion pour renouveler à M. le Contre-Amiral Duperré les instructions qui lui avaient déjà été transmises en vue de prévenir l'abus que font de notre pavillon les boutres Arabes pour se livrer impunément à la Traite des Noirs sur la Côte Orientale de l'Afrique.

Agréez, &c.,

Lord Lyons.

DECAZES.

Lord Lyons to the Earl of Derby.—(Received May 29.)

MY LORD,

Paris, May 28, 1875.

I HAVE the honour to inclose a copy of a note in which, in execution of the instruction contained in your Lordship's despatch of the 25th instant, I have conveyed to the French Government the

thanks of Her Majesty's Government for the efficient measures taken by M. de Gaspary, the officiating French Consul at Zanzibar, to prevent the abuse of the French flag by native vessels engaged in the Slave Trade.

I have, &c.,

The Earl of Derby.

LYONS.

(*Inclosure.*)—*Lord Lyons to the Duc Decazes.*

M. LE MINISTRE,

Paris, May 28, 1875.

DR. KIRK, Her Majesty's Consul-General at Zanzibar, has informed Her Majesty's Principal Secretary of State for Foreign Affairs that the officiating French Consul at that place, M. de Gaspary, has acted in a remarkably energetic and judicious manner in regard to the suppression of the Slave Trade, and has strenuously exerted himself to prevent the abuse of the French flag by native vessels engaged in that trade.

I am directed to convey to the French Government the thanks of the Government of Her Majesty for the efficient assistance thus rendered by M. Gaspary to the endeavours to put an end to this infamous traffic on the East Coast of Africa.

I have, &c.,

The Duc Decazes.

LYONS.

Lord Lyons to the Earl of Derby.—(*Received July 10.*)

MY LORD,

Paris, July 7, 1875.

I HAVE the honour to inclose a copy of a note with which, in obedience to the instructions contained in your Lordship's despatch of the day before yesterday, I have forwarded to the French Government a summary of the information respecting two dhows engaged in the Slave Trade, which is contained in the extract which your Lordship has sent me from Mr. Consul Elton's despatch of the 21st May last.

I have, &c.,

The Earl of Derby.

LYONS.

(*Inclosure.*)—*Lord Lyons to M. Buffet.*

M. LE MINISTRE,

Paris, July 7, 1875.

IN pursuance of instructions which I have received from Her Majesty's Principal Secretary of State for Foreign Affairs, I have the honour to transmit herewith to your Excellency a summary of information which has been received by Her Majesty's Government respecting two dhows engaged in the Slave Trade which were fallen in with by Her Majesty's ship *Flying Fish* in the neighbourhood of Madagascar.

The occurrences recorded in this summary afford proof of the extent to which the French flag has been abused for Slave Trade purposes; and in directing your Excellency's attention to them, I am commanded to repeat the acknowledgements which were offered on behalf of Her Majesty's Government to the French Government in

my note of the 22nd December last, for the instructions already issued to the authorities at Mayotte for the more effectual control of dhows under French colours.

I have, &c.,

M. Buffet.

LYONS.

Lord Lyons to the Earl of Derby.—(Received July 31.)

(Extract.)

Paris, July 30, 1875.

I HAVE the honour to inclose herewith to your Lordship, extracted from the "Journal Officiel" of this day, the report of a conversation respecting the Slave Trade on the East Coast of Africa which took place in the course of the debate on the Budget of the Navy in the National Assembly yesterday.

M. Schalcher, Deputy for Martinique, called attention to the alleged abuses of the French flag by native dhows, and to the recent Treaty between Great Britain and Zanzibar. He said that this Treaty, as interpreted by the Law Officers of the Crown in England, was applicable only to slaves transported in order to be sold, and not to slaves simply transferred from one place to another.

Rear-Admiral the Marquis de Montaignac, Minister of Marine, spoke of the vigilance of the French cruisers. He said that in February and July last he had renewed the instructions to the French officials to be particularly careful with regard to granting French papers to native vessels.

He spoke of the course pursued by the English cruisers with regard to vessels carrying the French flag. He added that if cases of suspicion were frequent, cases proved were very rare.

He concluded by saying that France had not, that he was aware of, any Convention on the subject with Zanzibar.

The Earl of Derby.

LYONS.

(Inclosure.)—Extract from the "Journal Officiel" of July 30, 1875.

SPAIN (HAVANA).

Acting Commissary Judge Crawford to the Earl of Derby.—

(Received October 2.)

MY LORD,

Havana, September 1, 1875.

I HAVE the honour of transmitting herewith to your Lordship translation of a statement published in the "Havana Gazette" of the 14th ultimo, showing the number of persons who have acquired their freedom under the provisions of the Law of 4th July, 1870,*

known as "Moret's Law," for the gradual abolition of slavery in Cuba.

This statement, which is far from complete, gives the total of 50,046 persons, of which 32,813 have been born since 17th September, 1868; 13,740 have completed their 60th year; 3,192 are emancipados, and 301 have received their freedom for services under the Spanish flag.

I place no dependence upon these figures, for your Lordship will notice that the statement contains no information whatever regarding the city and jurisdiction of Havana. This is not surprising, considering that the "Junta de Libertos" (Board of Freedmen) and the "Junta de Colonizacion" (Board of Colonization) are composed of noted slave-traders.

As long as these unfortunate beings are subjected to the control of such men as compose the above Board, they will be treated precisely as the poor emancipados have been; and if the Spanish Government is in earnest, and wishes that the freedom of the negro slaves, under the law, shall be a reality, it ought to suppress at once these Boards or Juntas, which exercise a baneful influence, and are neither more nor less than local slave-trading institutions on a grand scale.

The negroes are quite able to take care of themselves as far as their wages are concerned, and it is totally unnecessary to bind them down to perpetual drudgery through contracts which they cannot read, and which are really and truly titles of ownership, issued by these obnoxious Boards to those persons who choose to pay for them—in fact, the emancipado system over again.

I do not mean to say that there should be no law to prevent vagrancy or idleness, but there should be no selling of contracts, no consignment to endless slavery, as is at present the case.

The last census of 1867 gives the coloured population of Cuba as follows:—

| | | | | | Free. | Slaves. |
|--------------------|----|----|----|----|---------|---------|
| Eastern Department | .. | .. | .. | .. | 96,058 | 66,235 |
| Western Department | .. | .. | .. | .. | 129,880 | 313,288 |
| Total | .. | .. | .. | .. | 225,938 | 379,523 |

The insurrection broke out in 1868, and one of the first acts of the Cuban insurgents was to declare the freedom of their slaves.

It is very difficult to get at anything like an accurate estimate of the number of slaves in Cuba to-day, but there is one thing quite certain, and that is, that if the Cuban insurgents hold their own, and are able to make further progress in the fertile districts of the

Cinco Villas, and towards the western portion of this island, the emancipation of the slaves will follow as a matter of course, and in such a rude manner as will entail with it the probable ruin of Cuba.

Spain has thrown away the opportunity of blotting out slavery here. She scorned the proposals made by the Cuban Commissioners who went to Madrid in 1866, a proposal or plan which, had it been accepted and carried out, would have emancipated the slaves by this time, and would have produced over 12,000,000*l.* of indemnity, not to speak of the probable prevention of the struggle which commenced in 1868, and which now so seriously threatens the welfare of the island.

I have, &c.,

The Earl of Derby.

JOHN V. CRAWFORD.

(Inclosure.)—Head Committee for the Protection of Freedmen.

(Translation.)

STATEMENT showing the Number of Persons who have acquired their liberty, being comprised in the first 5 Articles of the Law of 4th July, 1870, regarding the gradual abolition of slavery; compiled from the data furnished up to this date by the Committees for the Protection of Freedmen in the Island of Cuba.

| | Article 2. | Article 1. | Article 3. | Article 4. | Article 5. |
|----------------------------------|---|-----------------------------------|---|--|--|
| | Born between Sept. 17, 1868, and July 4, 1870. | Born since July 4, 1870. | Freed for service under the Spanish flag. | Free as over 60 years of age. | Free as emanci- pat ^d . |
| Havana | — | — | — | — | — |
| Matanzas | 1,070 | 2,115 | .. | 1,064 | 308 |
| Colon | 1,074 | 2,089 | .. | 1,039 | 726 |
| Cuba | 1,090 | 1,482 | 121 | 1,448 | P. 97 |
| Cárdenas | 966 | 1,699 | .. | 1,389 | P. 550 |
| Pinar del Rio .. | 759 | 1,573 | .. | 641 | 98 |
| Sagua la Grande .. | 620 | 1,505 | .. | 898 | P. 435 |
| Guanajay | 522 | 1,145 | .. | 1,250 | 157 |
| Güines | 411 | 1,170 | .. | 775 | P. 28 |
| San Antonio | 470 | 958 | .. | 541 | 16 |
| Cienfuegos | 358 | 1,848 | 4 | 584 | 100 |
| Puerto Principe .. | 202 | 504 | 59 | 432 | 28 |
| Remedios | 192 | 647 | 4 | 253 | P. 169 |
| Jaruco | 336 | 1,027 | .. | 647 | 57 |
| Santa Clara | 306 | 354 | 4 | 100 | P. 125 |
| Bejucal | 293 | 591 | .. | 407 | 58 |
| Bahia Honda | 262 | 419 | .. | 548 | 50 |
| Trinidad | 259 | 482 | 12 | 169 | 11 |
| San Cristoval .. | 258 | 523 | .. | 288 | 9 |
| Santiago de las Ve- gas | 180 | 357 | .. | 412 | 34 |
| Sancti Spiritus .. | 143 | 269 | 9 | 167 | 11 |
| Guantánamo | 135 | 381 | .. | 211 | 57 |
| Guanabacoa | 132 | 415 | .. | 72 | 20 |
| Holguin | 86 | 167 | 1 | 62 | 16 |

| | Article 2. | Article 1. | Article 3. | Article 4. | Article 5. |
|------------------------------|--|--------------------------|---|-------------------------------|----------------------|
| | Born between Sept. 17, 1868, and July 4, 1870. | Born since July 4, 1870. | Freed for service under the Spanish flag. | Free as over 60 years of age. | Free as emancipated. |
| Sta. Maria del Rosario | 79 | 108 | .. | 24 | 20 |
| Baracoa | 74 | 179 | .. | 100 | |
| Manzanillo | 63 | 128 | .. | 84 | 6 |
| Moron | 37 | 53 | .. | 2 | |
| Isla de Pinos | 26 | 67 | .. | 12 | 1 |
| Bayamo | 17 | 35 | 58 | 61 | |
| Nuevitas | 16 | 41 | .. | 31 | 2 |
| Jiguani | 13 | 13 | 4 | 15 | |
| Victoria de las Tunas | 9 | 11 | 25 | 14 | 3 |
| Total | 10,458 | 22,355 | 301 | 13,740 | 3,192 |

Totals.—1st Article, 22,355 ; 2nd, 10,458 ; 3rd, 301 ; 4th, 13,740 ; 5th, 3,192 ; Grand total, 50,046.

Note.—1. No data whatever have been received from the district office of Havana.

2. In the jurisdictions of Cuba, Pinar del Rio, Sagua la Grande, Guanajay, Güines, Cienfuegos, Puerto Principe, Jaruco, Bejucal, Bahia Honda, Trinidad, Sancti Spiritus, Guantánamo, Guanabacoa, Isla de Pinos, and Nuevitas, the numbers given in the columns corresponding to Articles 1, 3, and 4, are up to December 31, 1874, except those of Articles 3 and 4 of Cienfuegos, which are of an earlier date. In the other jurisdictions, not including Havana, for the reason already given, the dates vary, but they are prior to the 31st December, up to which day the numbers do not extend for want of the necessary returns.

3. The letter P. in the fifth column means that the figures are susceptible of alteration, because the returns do not specify precisely whether all the freedmen acquired their liberty by virtue of the Law of 4th July, 1870, or whether some of them were not previously free, regarding which the respective Committees have been instructed to report particulars.

4. The blank lines show that in those jurisdictions where they occur there are no freedmen of the class referred to, excepting, however, the five columns of Havana, for the reason already given in Note 1.

FRANCISCO F. IBANEZ, *Vice-President.*
IGNACIO L. TARRAGONA, *Secretary.*

Havana, May 11, 1875.

Acting Commissary Judge Crawford to the Earl of Derby.—
(Received October 2.)

(Extract.)

Havana, September 6, 1875.

I HAVE the honour of reporting to your Lordship that a Dr. Secchi has petitioned the Government here to allow him to

import 600 Indians from Venezuela on the same terms as the Chinese, that is, under contracts for 8 years.

The "Junta de Colonizacion," whose Vice-President is Don Francisco Ybañez, has reported favourably of Dr. Secchi's scheme, but only under the following 6 conditions:—

1. That Dr. Secchi shall satisfy the Spanish Diplomatic or Consular Agents in Venezuela that his Government authorizes the emigration of those persons who wish to dedicate themselves to agricultural labours in Cuba.

2. That as a preliminary, and previous to the carrying out of this matter, the Spanish Agents should deliver to the Government of Venezuela, under acknowledgment, a copy of the Decrees which regulate all matters of colonization in Cuba.

3. That the Spanish Consuls shall neither countenance nor authorize the shipment of colonists unless they present their contract with Dr. Secchi, in which they declare that they are aware of the Spanish law that obliges those so contracted to dedicate themselves to agricultural pursuits during the entire term of their agreement, and to recontract themselves or to quit the island at the expiry of said agreement.

4. That no shipment be sanctioned unless at least one-third of the emigrants are women.

5. That whether Dr. Secchi keeps these colonists for his own estate, or transfers their contracts to other planters, they will always have the right to change owners, whenever they make justifiable complaint to the authorities; but they must continue in field labour, and not take to farming for their own account, or be employed as domestics or artisans.

6. That under no circumstances shall the individuals of the same family be separated, neither shall they ever lose the right of being contracted together.

"With these prudent restrictions, which guarantee the interests of all parties, the fears and opposition of those persons who see danger in the heterogeneous nature of races in our island will be conciliated and brought into harmony with the constantly increasing want of hands for agriculture and the cultivation of sugar."

According to the ideas of the "Junta de Colonizacion," as represented by M. Ybañez, the great desideratum is to get hands, no matter where, and to bind them down to endless or at least life-lasting slavery. They must contract and re-contract themselves over and over and over again for field labour only. They must not dream of bettering their condition, but, as serfs, they must drag out their miserable lives. With such inviting conditions can it be wondered at that the planters of the Island of Cuba have seen the stoppage of Chinese emigration and the importation of Indians from

Yucatan? The marvel is, that they still dream of getting a supply of labourers anywhere on such shameful terms.

The Earl of Derby.

JOHN V. CRAWFORD.

SPAIN (PORTO RICO).

Consul Pauli to the Earl of Derby.—(Received May 31.)

(Extract.)

Porto Rico, May 12, 1875.

YOUR Lordship will doubtless expect me from time to time to report on the result of "abolition," and more especially on the contract of "libertos," which is now being carried into effect throughout this island.

In my despatch of October 12, 1874, I expressed my opinion that the Government intended honestly and fairly to carry out the provisions of the Act, and that the law was not only necessary, but even beneficial to the freedmen themselves, and I have the honour to report that I see no reason to change that opinion.

As distrust seems to have been expressed in some quarters, notably in an extract from the "Orden," published in the papers relating to the emancipation of the negroes of Puerto Rico, and presented to the House of Commons, I considered it my duty to take every precaution to acquaint myself precisely with the state of affairs here from the most reliable sources.

I have the honour to inclose a report from Mr. Vice-Consul Gibbons, because this gentleman is not a merchant, and because he has answered my questions categorically, and in a full and intelligent manner. I may, however, mention that the other reports are equally satisfactory, and only differ in minor details in different districts.

I visited some estates in this neighbourhood, where both "libertos" and free labourers were employed, and I carefully inquired into the subject. I can, therefore, report with confidence that the "liberto" under contract enjoys the same treatment as the free labourer, whether native of this country or British black from our own islands, except as to the fact of being bound by contract until the 20th April, 1876.

The "liberto" receives the current wages, and is paid for overtime, which is voluntary. The working hours are from sunrise to sunset, and he is not worked on Sundays, or on the principal feasts of the Church. He receives from 50 to 62 cents per day, or say from 2s. to 2s. 6d., and can make with overtime as much as 4s. 6d. In many places one meal per day is given, and he is housed free of cost.

He is never flogged, and if idle or badly behaved is punished by the Alcalde of the district with fine, or imprisonment in default, during which time he is made to work on the roads, receiving only his subsistence from the Government. The same punishment is sometimes inflicted on the free labourer for riotous conduct, but the latter can leave his employment at any moment, whereas the "liberto" can only change his contract by permission, for good reasons, of the "Protector" of the "libertos," who is in most cases the "Alcalde" or magistrate of the district.

Punishment is very seldom abused or carried to extremes, for two reasons:—

First, because the "libertos" are the best men for work, and their employers do not wish to lose their services for any length of time.

Secondly, because the work on the roads is not remunerative to the Government, who have more labour at their disposal from other prisoners than they care to employ on improvements.

The "liberto" is appreciated not only on account of his superior ability for the work, but also because he is available at all times, and cannot leave his employment during a busy season. Although the "liberto" is not expected to work on Sundays and Feast Days of Obligation, he does not stay away on the Mondays or days following feasts, as do the others, or if he does so, he can be brought back by the police.

A gentleman informed me that in sight or within easy distance of his sugar estate were 4 towns or villages, each of which has its own patron saint, and consequent yearly festival, lasting 9 days. Free labourers from that estate would leave their work on those days, thus adding 36 to the already numerous days of obligation, and on Sundays, and in most cases the following Monday, making up nearly half the year of holidays.

The temptation to idleness is easily indulged, as their wants are but few and the wages in proportion very high. For this reason, next to the "liberto," the British negro labourer is preferred, as they generally come here to avail themselves of the higher rate of wages, and save money, and only require an occasional holiday besides Sunday.

One result of the contract system, from the enforced continued work, is that the "liberto," if not given to gambling (a prevailing vice here), must of necessity make and save more money than his more independent fellow-countryman; and, to retain their skilled labour after the expiration of the term of contract, some owners of estates give them small plots of lands, which they gradually bring under cultivation, and on which they feed a horse, cow, pigs, poultry, &c., bought by their savings. As a proof of how seldom they

attempt to evade the contract, a report now before me, published in the "Official Gazette," of the number of people sent to prison throughout the island for the month of March last, states that out of 987 persons committed for various offences enumerated, only 12 are "libertos" for being without contract.

One estate I visited was owned by the Alcalde of the district, and, in answer to my question if the "libertos" were ever allowed to change their contracts, he informed me that at first he had about 80 in his employment, but that now he only had about 25; the others had been allowed to change, and he had never opposed their wish. Many preferred contracting on other estates where they had old companions, or going into service in the towns. Although he was the Judge, he did not wish to retain a man against his will.

At the time of the emancipation the whole number of slaves did not greatly exceed 33,000, and, although it is difficult to ascertain, I am of opinion that not more than half that number work on estates; the remainder have found employment in the towns, or from age or physical causes are incapable of earning their living, and remain under the charge of the municipality of their district, or live on the estates of their former owners.

In consequence of the small proportion of slaves to the population in Puerto Rico, they have always been treated here, I am told, in a humane manner, with some disgraceful exceptions, and I was certainly much struck at the perfectly equal footing on which the "libertos" appeared to be viewed, not only by the employers, but also by their fellow-workmen. In fact, in the process of sugar-making the more skilled "liberto" is generally employed within the boiling-house, while the free labourer does the rougher task of cutting and carrying the cane.

The inclosures by which, in slave times, the negroes were confined have now either disappeared or are not kept in repair, and there is nothing suggestive of the past system of degradation.

Slavery has left its mark on the race, which must take several generations to efface; but this applies equally to those who have long been free, and to their children, and is not more observable in the "liberto" of to-day than in the rest of their coloured brothers, as well as in the British negro here and in our own islands. The want of purpose and reliability, the childish vanity and ignorance, their natural idleness and proneness to vice of one kind or another, seem to me common to most of the race, differing only in form and degree according to the habits of the nationality among whom they have lived.

I am inclined to think that the negro is more in sympathy with the Spanish white man than with an Englishman or an American. The same love of ease and want of earnestness is common to both,

and the Spaniard, if not crossed, is very lenient to small offences; slowness and procrastination are not viewed by him as crimes.

In giving your Lordship my opinion on the position of the "liberto" at Puerto Rico, it is but right that I should mention a possible contingency.

I notice by Article 2 of the Law of Abolition of Slavery in Puerto Rico of March 22, 1873,* that "freedmen are obliged to make contracts with their present owners, with other persons, or with the State, for a space of time which shall not be less than 3 years;" and, again, in Article 24 of the Regulations for giving effect to that Law, of August 7, 1874,† under which the contract system is enforced, that "all contracts made by freedmen in consequence of Article 2 of the Law, and at present in force, as well as those which may be made hereafter, shall be considered binding until 20th April, 1876, at the least." The words "not less than 3 years" and "until 20th April, 1876, at the least," may possibly be taken advantage of to extend the term beyond the 3 years. I have no reason to suppose this to be in contemplation; but, if attempted, it would be a breach of the spirit, if not of the letter, of perfect emancipation.

The "libertos" certainly consider their present probation as finished on April 20, 1876, nor have I heard the question discussed by any one; but the words are there in both cases, and must have been used with intention. I bring this to your Lordship's notice, and will not fail to report any movement in that direction.

For my own part, I am more inclined to believe that more stringent vagrant laws, applying to all the labouring classes, will be introduced, tending to oblige every one to work who has no settled means of subsistence, and with the view of reducing the now exorbitant high rate of wages. I know that deputations have waited on the Governor to represent the high price of labour, but I have not heard that any conclusion has been arrived at hitherto.

On the whole, I think the abolition of slavery in Puerto Rico has been a great success, and has been honestly and intelligently carried out. The conditions under which it has been attempted were much more favourable here than they are in Cuba; but, even with some allowance for that fact, the success of the step might be an inducement to Spain to extend abolition to that island, and thus remove the last foul blot existing under a European Government.

In conclusion, I venture, with great respect, to bring to your Lordship's notice a subject which might cause some inconvenience. Some copies of the "Anti-Slavery Reporter," published under the sanction of the British and Foreign Anti-Slavery Society, have been

* Vol. LXV. Page 339.

† Vol. LXV. Page 340.

sent to me, and I notice in the numbers of January and March of this year statements contrary to fact on the contract system in Puerto Rico. In the January number is a long letter, abusing the political acts of General Sanz, and at the end are a few lines on the slavery question, in which it describes the contract system as "reducing the freedmen almost to slavery," and other statements absolutely false; and in the March number, in another letter, headed "A Spaniard on the State of Things in Cuba," it is said, "In Puerto Rico our poor freedmen are turned back into slavery, for they have not liberty to work where they choose, neither obtain just wages."

It is not for me to offer advice to a society, doubtless including many good and earnest men; but I think that to print a letter on the political conduct of the Governor of a Colony, and so evidently written by a person opposed to him in politics, and not even true in facts, cannot tend to further the cause of abolition, must irritate the person abused, and weaken any representation which Her Majesty's Government might think fit to make on the subject at any future time.

I am not General Sanz's apologist, but in regard to slavery he does not deserve this treatment; and I should have thought it a much more effective course for the society to point out the honest way in which he has endeavoured to carry out the Law of Abolition, as an example and encouragement for Cuba. In that case I should have had much satisfaction in showing his Excellency the "Anti-Slavery Reporter," whereas now I must hope that my copy is the only one in the island.

The Earl of Derby.

W. B. PAULI.

(Inclosure.)—*Report on the Position of "Libertos" in the Vice-Consular District of Guayama, Porto Rico.*

Position of "Libertos" on Estates.

Q. 1. When contract is made is a certain sum per diem agreed on?—A. Yes.

Q. 2. If current wages become higher do "libertos" derive the advantage?—A. Yes.

Q. 3. Are they paid for overtime?—A. Yes.

Q. 4. Is any difference made between them and other labourers in hours of work and general treatment?—A. None. Hours of work from sunrise to sunset; no work on Sundays.

Q. 5. Are they ever ill-used, or beaten, or imprisoned by the employers?—A. No; the employers can do neither.

Q. 6. In any difference between employers and labourers, are the employers favoured by the authorities, and have the "libertos" facilities given them to change their contracts for just causes?—

A. The employers are not favoured, but rather the “libertos,” who are protected, and they have every facility to change their contracts for just causes.

Q. 7. Is food and clothing provided by employer compulsory on the “libertos,” and are the deductions made exorbitant, or is the quality or quantity of the food deficient?—A. No; one feed per day is generally given, which is both good and sufficient, viz., codfish and cornmeal. No clothes are given. The wages are high, from 50 to 62 cents per day. They invariably get lodging besides on the estates *free*, and are paid for overtime. Many also work by piecework, and can earn a day and a half’s pay in one day. They are preferred to the native labourers (“giberos”) as they work on feast days, which the latter will not. Many make 5 dollars per week with overtime.

When the emancipation was decreed, 1st April, 1873, the “libertos” were allowed to go altogether free; most of them left off work altogether, and only returned on the condition of exorbitant wages, paid by the planters to get off their crop.

At first the system of contracting was much abused, unprincipled men without means contracting with a hundred “libertos,” and then allowing them to get their living the best way they could; but at the end of the first year all “libertos” had to sign a *boná fide* contract with a responsible party, who was responsible for their good behaviour; there was no obligation for them to return to their former masters, neither was there any restriction as to what wages they should receive; those who could not obtain a contract, generally on account of known bad conduct, were obliged to work on the roads, for which they were paid by the municipality sufficient for their food, viz., 12 cents a day, and at night they were locked up; this they were obliged to keep to until they could obtain better work.

A contract once made is as binding on the “contractor” as the “liberto;” in fact, it must be a very good reason on either side for it to be broken, the “liberto” being favoured.

Position of “Libertos” who have elected to work in Towns.

Q. 1. Are they obliged to contract in all cases?—A. Yes.

Q. 2. Are they well treated and do they receive justice?—A. Yes.

Q. 3. What proportion of whole number work on estates?—A. Impossible to say, but very many who formerly worked on estates are now employed as cooks, house servants, &c., at wages from 5 dollars to 8 dollars per month; many of them, if well conducted, are allowed to have their own houses, and sleep there.

Q. 4. Do employers of labour as a rule prefer “libertos” or other labourers, and why?—A. In the towns the employers have no preference, but on estates they prefer the “libertos,” as they are

strong and active, and accustomed to work every day including feast days, which in this country are very numerous.

General Remarks.

Q. 1. Is there any idea that the contract system may lead to the re-introduction of slavery, in fact if not in name?—A. Not the least, it would scarcely be possible; at the end of a year the “libertos” will be as free as any one here, white or black; and now, so long as they behave themselves, they are not in any way molested.

Q. 2. When “libertos” are fined by the authorities, and in default punished by being made to work for Government, is any limit put on their term of imprisonment in proportion to the fine inflicted, or the nature of their offences?—A. Yes, most certainly, they are generally imprisoned for a certain time, and are paid 12 cents a day out of the public funds for their maintenance, or if they are put to labour their work would cover this amount; they are treated as any free man.

Q. 3. Are proprietors ever fined for transgressing the letter and spirit of the law?—Yes.

Q. 4. Do “libertos” quite understand the terms of the contracts they enter into, or is advantage taken of their ignorance?—A. They quite understand the terms of their contract, which is in writing, and read over to them before the “Alcalde” or mayor; there is very little chance for any one to take advantage of a “liberto,” they know quite well when to claim the protection of the law.

Q. 5. Are “libertos” and other labourers subject to private fines by employers, and is this system ever exercised to excess, so as to deprive the labourer of his wages to any extent?—A. No; but any liberto coming to work late would not get any that day, and consequently no pay.

The arrangement of “libertos” is good, as without it few of the former slaves would work; they all prefer to “squat” and work one or two days a week to gain sufficient for their wants, which may be easily satisfied in this country, and for the remainder of their time sleep, and lead a general vagabond life.

Since the emancipation life and property are not nearly so safe as formerly, as robberies from houses and from the person are now by no means uncommon, whilst before the emancipation they were very rare.

The gainers by the emancipation are, of course, the “libertos,” but also the Government, who up to the present time have paid no indemnification to the planters and former slave-owners.

Government is to pay 75 per cent. of the nominal value of the

slaves in a term of years, but to do this it will take from the planter in taxes 100 per cent. and make 25 per cent. benefit.

The rates of wages are exorbitantly high, and Government will not allow foreign labour to be introduced into the island; in fact it does all it can to prevent labourers seeking employ from coming to Porto Rieo, by putting exorbitant charges for passports both on entering and leaving the island.

British Vice-Consulate, Arroyo, Porto Rico, April 30, 1875.

CHAS. GIBBONS, *Vice-Consul.*

TURKEY.

The Earl of Derby to Sir H. Elliot.

SIR,

Foreign Office, May 11, 1875.

I COMMUNICATED your Excellency's despatch of the 12th February, and its inclosures, to the Secretary of State for the Colonies, and I have now to inform you that from inquiries which have been made in Malta it appears that the statement of the 4 slaves alluded to in Mr. Wrench's report, inclosed in your Excellency's despatch now under reply, was in substance correct, and that their master, Sadick Effendi, was in fact left behind with their passage tickets and other papers when the steam-ship *Macedonia* left Malta.

As regards the fact of the slaves having arrived at Constantinople without papers of manumission, the Governor of Malta observes to Lord Carnarvon that, in the present state of the law, the authorities in Malta have no power to require from any person the production of such papers. Sir C. S. Parker states that all that can be done is to prevent any person from being taken to another place against his or her will; and even a professed slave, if determined to follow his master, must be allowed to do so.

I am, &c.,

Sir H. Elliot.

DERBY.

Sir H. Elliot to the Earl of Derby.—(Received July 20.)

MY LORD,

Therapia, July 10, 1875.

MR. CONSUL HENDERSON having forwarded to me a copy of his despatch to your Lordship upon the continued complicity of the Governor of Bengazi in the Traffic in Slaves, I have addressed the inclosed note to Safvet Pasha, requesting that the Porte may mark its displeasure at these proceedings in such a manner as shall give

evidence of its own sincerity, and shall deter other officials from embarking in the traffic.

I have, &c.,

The Earl of Derby.

HENRY ELLIOT.

(*Inclosure.*)—*Sir H. Elliot to Safvet Pasha.*

SIR,

Therapia, July 10, 1875.

I HAVE on previous occasions been called upon to represent to the Sublime Porte the complicity of the Governor-General of Bengazi in the Traffic of Slaves, which is as contrary to the laws of the Empire as it is repugnant to the civilized world.

Orders such as were to be expected from the feelings of humanity of the Imperial Government, and from its desire to fulfil the engagements which it has taken upon this subject, were consequently forwarded to the Governor-General.

The inclosed Memorandum, containing the substance of a report from the British Consul to Her Majesty's Government, will satisfy your Excellency that Aali Kemeli Pasha has not only deliberately disregarded the Imperial orders, but that he is himself a direct party to the traffic, which he encourages for the pecuniary advantages which he derives from it.

In transmitting this Memorandum to your Excellency you will allow me to express the hope that the Sublime Porte will not be satisfied by merely reiterating orders which have no effect, but will mark its displeasure at the proceedings of the Governor-General in such a manner as shall give evidence of the sincerity of the Imperial Government in prohibiting the Slave Trade, and shall deter other officials from venturing to encourage or to embark on it.

I avail, &c.,

Safvet Pasha.

HENRY ELLIOT.

Sir H. Elliot to the Earl of Derby.—(*Received August 17.*)

MY LORD,

Therapia, August 8, 1875.

I HAVE the honour to inclose the copy of a report from Sir P. Francis respecting a female slave who lately took refuge at Her Majesty's Consulate.

The proceedings of the Minister of Police in this case appear to have been so unjustifiable that in my note to Safvet Pasha herewith transmitted, bringing the circumstances to the knowledge of the Porte, I have thought it necessary to comment upon them in stronger terms than usual.

The Porte has always maintained that the engagements against slave-dealing were especially applicable to the Traffic in Negroes, and those which have been obtained concerning Circassians are far from being explicit, and seem to be more directed against their introduction from the Caucasus than against their sale in this country.

While there are many hundreds of these women in the Sultan's palace, and some in every considerable harem in the country, the institution cannot be regarded as an illegal one; but although the question is a delicate one to deal with, the present case appeared such a flagrant one as to induce me to take up a higher ground than would perhaps otherwise have been proper.

I have, &c.,

The Earl of Derby.

HENRY ELLIOT.

(Inclosure 1.)—*Sir P. Francis to Sir H. Elliot.*

SIR, *Constantinople, July 28, 1875.*

A FEMALE, an Ottoman subject, and about 25 years of age, fled some months since to this Consulate, declaring that she had been passed into the hands of a slave-dealer (called Hassan) by her former proprietor with whom she had lived from her childhood. She had been beaten, she said, by her former mistress and had fled to the police for protection, and had there been, under false pretences, passed over to the slave-dealer, who was putting her up for sale. I did not know what to do with her, because she refused to have resort to the police, who had already permitted her to be illegally dealt in as merchandize. Eventually a respectable married Turk, a cavass at the Consulate, offered to take her as a servant. To this I agreed. Many weeks afterwards Hassan, the slave-dealer, claimed her as his property at the hands of the police. He first said she was "his wife," and as such the police demanded her. I found out this was a false representation, and told the Mutessarif so. The Dragoman was then told she was the slave-dealer's "concubine." This falsehood was also subsequently abandoned, and now the Minister of Police, to whom the matter was referred, claims her simply as a slave.

Your Excellency will see by the Minister's letter what are the grounds he takes. He affirms that slavery in white, but not in black women, is still in force in the Ottoman Empire, and he admits that the trade of a slave-dealer is a legitimate trade.

The position he has taken up is such as to compel me to refer the matter to your Excellency.

If the Porte adopts the views of the Minister of Police, it is desirable that we should know it. When we have a reasonable Minister of Police in office, which is not now the case, and circumstances like the present occur, a fair solution of the difficulty is generally given. But when a Minister insists on his right in enunciating principles like those of Hamdy Pasha, the Minister of Police, it is not easy to deal with him. *Primâ facie*, local authorities have a right to administer their own laws over their subjects in their own country; but when a Minister seeks for my intervention, as in

the present instance, with what seems to me an intimation that he is about illegally to defend the interests of a slave-dealer, I cannot shut my eyes and become a party, actively or passively, to his proceedings.

Nothing would have been easier (if the Minister had demanded to act under the religious law) than for him to have sent to the former proprietor of the woman, and having found out that she had been more than 6 years a slave, to order her freedom. If, on the other hand, it be said I could with equal ease have sent the woman to the authorities, who would have taken the legal course, I reply that I regret I cannot assume that this would be the case. The poor and helpless slave, in all probability, and as she believes and alleges, would have been again handed over, under some pretext, to the same or another slave-dealer, without affording her opportunity of redress.

I am aware how such an assertion might be plausibly met by the Porte, who might profess the purest of intentions; nor do I desire to enter into controversy with the authorities on the point. And as the Minister of Police has afforded the opportunity of escaping the dispute by raising other issues in his letter (a translation of which I herewith forward with my reply) and has thereby put himself in the wrong, I hope that the Porte will see that there is a fair opportunity of finishing the case reasonably, rather than prolong it by discussing abstract rights.

For convenience of reference, I may mention to your Excellency that in the "Législation Ottomane," page 35 *et seq.*, will be found some (I do not think all) of the provisions as to the "Prohibition du Commerce des Esclaves." I have, &c.,

P. FRANCIS,

Sir H. Elliot.

Judge and Consul-General.

(Inclosure 2.)—*The Mutessarif of Pera to Sir P. Francis.*

M. LE CONSUL-GÉNÉRAL,

LE Ministère de la Police ayant été consulté au sujet de la marche à suivre à la suite de la correspondance échangée avec votre Honneur concernant l'esclave de Hassan Effendi, marchand d'esclaves établi à Fûleh, qui, s'étant réfugiée à votre Consulat-Général, a été consignée à la maison du Yussakdjî Effendi, vient de répondre que Hassan Effendi déclare ne pas avoir acheté cette esclave pour la revendre, mais bien pour l'affranchir après deux années de service. Le Ministre [dit] que si cette esclave prétend être libre, elle sera admise à prouver sa qualité de libérée devant les tribunaux religieux et civils, où elle sera renvoyée à cet effet. Le Ministre ajoute que quoique le trafic des nègres se trouve être prohibé par Iradé Impérial, cependant aucune décision ni ordre Impérial ne venant à défendre l'achat et l'emploi des esclaves Circassiens de cette caté-

gorie parmi la population, l'intervention de votre Seigneurie pour cette esclave demeure inexplicable.

Le Ministère de la Police ordonne donc que ces observations soient transmises à votre Honneur avec prière de vouloir bien nous mettre à même de donner à cette affaire sa marche usuelle, c'est-à-dire, d'envoyer cette esclave au Ministère de la Police afin qu'elle puisse être renvoyée devant les tribunaux compétents si elle persiste dans sa prétention d'avoir la qualité de libre.

En conséquence je prie votre Honneur de vouloir bien m'envoyer cette femme sans retard, ou dans le cas contraire me faire parvenir dans l'espace d'un ou deux jours la réponse que vous croirez devoir faire en cette circonstance. Tel est l'objet de la présente lettre.

Sir P. Francis.

HASSAN.

(Inclosure 3.)—*Sir P. Francis to Hassan Pasha.*

EXCELLENCE,

Galata, le 24 Juillet, 1875.

EN réponse à la lettre de votre Excellence concernant une personne que votre Excellence appelle l'esclave de Hassan Effendi, j'ai l'honneur de vous informer que cette question a pris une tournure si importante que je me trouve dans la nécessité d'en référer à son Excellence l'Ambassadeur d'Angleterre, de même que son Excellence le Ministre de la Police trouvera peut-être opportun de s'adresser à la Sublime Porte.

Je vois d'abord que le Ministre de la Police considère que le Trafic d'Esclaves est un commerce légitime ; cependant la Porte l'a dénoncé comme un procédé très blamable et abominable contre le point d'honneur et contre l'humanité.

Je vois que son Excellence désapprouve le commerce des esclaves quand il s'agit de la classe noire du genre humain, et qu'elle le considère comme légal quand les femmes et enfants de couleur blanche en sont l'objet. Je trouve que cette thèse est dénuée de toute preuve à l'appui, et qu'elle est une interprétation nouvelle et inexacte de la loi.

Je vois que l'objet de son Excellence est de m'amener à faire arrêter une femme que vous invitez à prouver qu'elle est libre, tandis que si la version que nous avons à cet effet est exacte cette femme a déjà été remise à un marchand d'esclaves quoiqu'elle fût en droit d'obtenir sa liberté.

Je vois que le marchand d'esclaves [déclare] qu'il ne l'a pas prise pour la vendre, mais pour lui donner sa liberté après deux ans de service ; mais cette déclaration est si futile et invraisemblable que je m'étonne qu'on me l'ait transmise.

Je ne puis que supposer que son Excellence le Ministre connaît la loi qui défend le commerce d'esclaves ainsi que l'Emirnamé, la circulaire aux Gouverneurs, la circulaire des Grand Vizirs, et les

Firmans publiés à cet égard ; mais il me paraît qu'elle leur a donné une interprétation spéciale dans le cas présent.

Je ne vois aucune utilité à discuter plus longtemps avec le Ministre de la Police, vu la divergence de votre opinion sur cette matière, et je crois devoir transmettre toute la correspondance relative à cette affaire à son Excellence l'Ambassadeur d'Angleterre ; car il est très important que son Excellence voie quelle est l'opinion du Ministre actuel de Police à ce sujet et comment la Sublime Porte interprète les lois concernant le commerce d'esclaves.

Agréez, &c.,

Hassan Pasha.

P. FRANCIS.

(*Inclosure 4.*)—*Sir H. Elliot to Safvet Pasha.*

SIR,

Therapia, August 8, 1875

I HAVE to invite your Excellency's serious attention to the inclosed correspondence between Her Majesty's Consul-General and the Mutessarif of Pera, and to the report of Sir P. Francis to me, of which the substance is likewise inclosed in French, respecting a Circassian slave of the name of Cheristé.

The case is so fully explained in these documents that I need not add much to them, but there are one or two points connected with the proceedings of the Minister of Police to which I must invite your Excellency's special attention.

It is stated in this report that the slave in question having been beaten by her mistress, in whose service she had been from childhood, fled for protection to the police, but the protection she received was that of being handed over to a slave-dealer.

Your Excellency is aware that when the Sublime Porte undertook to prohibit the Traffic in Slaves, penalties were imposed upon those who should carry it on in defiance of the law, and you will see with surprise and indignation that in this instance the Minister of Police, in his zeal in espousing the interests of the dealer, speaks of that individual as Hassan Effendi, "marchand d'esclaves établi à Füleh," as if he acknowledged that trade to be legitimate and legal.

I must be allowed to observe that if a Minister of Police is acquainted with the existence of an illegal establishment, his first and obvious duty is to put a stop to it ; but it will be further seen by their correspondence that his Excellency has been directly aiding and abetting the slave-dealer in carrying on a traffic forbidden by the law under special penalties.

It did not signify what pretext Hassan put forward for recovering possession of the slave ; in each, however contradictory the one to the other, he found the warm co-operation of the Minister of Police.

At one time the woman was claimed as the wife of Hassan. When it was proved that she was not, it was asserted with equal

untruth that she was his concubine; and these two pretexts having both failed, it was next asserted that the slave-dealer wanted her for his domestic service without any intention of selling her, and to these subterfuges, the one after the other, the Minister of Police appears to have lent himself.

The declaration that the Sublime Porte does not sanction the Traffic in Slaves has been repeatedly made to Her Majesty's Government, but it will be difficult to reconcile it with such acts as have in this case been countenanced by so high a functionary as the Minister of Police.

Your Excellency, I do not doubt, will see this matter in the light in which I have represented it, and will cause regular papers of manumission to be delivered to the slave, as the only means of protecting her.

I avail, &c.,

Safvet Pasha.

HENRY ELLIOT.

The Earl of Derby to Sir H. Elliot.

SIR,

Foreign Office, August 23, 1875.

I ENTIRELY approve the note which your Excellency addressed to the Porte on the subject of the Circassian slave whose case is reported on in your Excellency's despatch of the 8th instant.

I am, &c.,

Sir H. Elliot.

DERBY.

TURKEY (BENGAZI).

Consul Henderson to the Earl of Derby.—(Received July 12.)

(Extract.)

Bengazi, June 12, 1875.

I OBSERVED in the newspapers some months ago that the Porte had promised to take energetic and effective measures to put a stop to the Slave Trade at Bengazi, and the Governor of Bengazi informed me that he had received orders in the same sense from Constantinople. I have now thought it might be interesting to your Lordship to know how this promise has been fulfilled.

Aali Kimali Pasha, the Governor, informed me, at a long interview I had with him on this subject, that it was quite impossible for him to interfere with the Slave Trade in the interior, and that he could put no check on the exportation of slaves from Bengazi, in consequence of the venality of the police, and that the order must therefore remain in abeyance.

It is unfortunate that the execution of this order has been delayed, and has been intrusted to the hands of a Governor whose interests and fanaticism alike induce him to resist it. A Turkish Governor is invested with arbitrary and almost unlimited powers, and when he desires to do so he can and does impose his will on his

subordinates in a most prompt and effective manner, and the excuse for the non-fulfilment of his instructions is obviously a pretext to delay a little longer the execution of a distasteful order.

I am quite aware of the difficulties the Sultan's Government has to contend with in liberating itself from its connection with the Slave Trade, but it is a matter of sincere regret and disappointment that when the Government has been induced to take a step in the right direction, and has pledged itself to put an end to this traffic in a particular locality, its laudable intentions should be thwarted, and the misery or happiness of hundreds of helpless negroes be dependent on the caprice of a Provincial authority who receives with such absolute indifference an order emanating from so high a quarter.

I could go into numerous instances where the Pasha himself has been identified with the exportation of negroes, but I will confine myself to what has occurred within the last few weeks.

On the 7th ultimo some 15 negroes were despatched to Constantinople by steamer in charge of one of the Pasha's Mektubdjis. These negroes were the property of his Excellency and his relatives, and had only been purchased a short time before.

A few days later 5 slaves, the property of the Cadi, were embarked for the same destination, and, as I write, I learn that more negroes are ready to be embarked by the next ship for the Levant.

Aali Kimali Pasha's complicity in this traffic is undoubted, and the secret of his resistance to the orders of the Porte in this matter is the pecuniary benefit he derives from the continuance of the trade. What I have said has been dictated by no sort of personal hostility towards him. On the contrary, I am on as good terms with him as men of widely-different characters and habits can well be when forced by circumstances into close relations.

The Earl of Derby.

P. HENDERSON.

Consul Henderson to the Earl of Derby.—(Received August 23.)

MY LORD,

Bengazi, July 17, 1875.

I HAD an opportunity recently to speak to the newly-appointed Governor-General of this province on the subject of the Slave Trade still carried on here, and I availed myself of the occasion to remonstrate against the encouragement given to this traffic by certain high officials for their own aggrandisement.

His Excellency promised me his assistance, and an official note has just been put into my hands informing me that the Governor has received fresh instructions in this matter, and that he has been directed to carry out any suggestions I may make to him with a view to the suppression of this traffic.

The slave entrepôt at Jalo (distant 12 days' journey from Osugazi) is the point at which a commencement must be made, and the Pasha has volunteered to accompany me there himself.

Should my health permit me, I propose making this journey in October, and I would request your Lordship's permission to absent myself from my post for this purpose, and for authority to charge the expense thereof to the public account.

Mr. Paolo Xerri will act for me gratuitously during my absence.

I have, &c.,

The Earl of Derby.

P. HENDERSON.

Mr. Lister to Consul Henderson.

SIR,

Foreign Office, August 31, 1875.

I AM directed by the Earl of Derby to state to you that he sanctions your making the journey to the slave entrepôt at Jalo which is proposed in your despatch of the 17th ultimo, and also approves of Mr. Paolo Xerri taking charge of the Consulate during your absence.

You will send to this office an account of your expenses, together with a full report of all information you may gather.

I am, &c.,

P. Henderson, Esq.

T. V. LISTER.

TURKEY (JEDDAH).

Consul Beyts to the Earl of Derby.—(Received January 29, 1875.)

(Extract.)

Jeddah, December 27, 1874.

ON the 12th instant I did myself the honour to report to your Lordship my arrival at my post ; since then, owing to the observance of formalities, the Sultan's Firman which recognizes my appointment as Her Majesty's Consul at Jeddah was not read in Council before the 21st instant. I was on that date officially installed in office, when the British flag was displayed at my Consulate.

Immediately afterwards a deputation of the Chiefs of British Indian subjects waited on me to offer me their congratulations ; in replying, I availed myself of the occasion to inform them that in securing to them their rights and privileges as British subjects, it was my duty at the same time to make known to them that they were strictly forbidden from trafficking in slaves, that Her Majesty's Government had determined to put down the iniquitous trade in the Red Sea, and that I looked to them, as good subjects of our gracious Queen, for a hearty co-operation with me in the discharge of this duty.

Their reply was satisfactory, inasmuch as they promised to do all that I required of them, only begging of me that I will not disturb family arrangements nor dissolve family ties now existing in consequence of female slaves having become mothers of families by their masters; my reply to this was that this being the point upon which I was not prepared to act, I should refer it for further instructions from Her Majesty's Government.

The following morning two Abyssinian slave-boys, whose masters were British subjects residing at Jeddah, presented themselves at the Consulate to claim my protection and their liberation from slavery, and to these I granted papers of manumission. Shortly afterwards 4 others, being Abyssinian slaves owned by Turkish subjects, presented themselves for the same purpose; when observing that a great commotion had been caused in the city in consequence of the appearance of slaves belonging to Turkish subjects at the British Consulate, I deemed the wisest course for me to pursue was to send them to the Governor with an official request that he would act with them in accordance with the Treaty existing between Her Majesty's Government and the Sublime Porte.

I beg leave to express to your Lordship my conviction, from what has fallen under my observation at Jeddah, that effectual suppression of slavery among the Arabs and Turks can only be accomplished by the presence of one of Her Majesty's gun-boats being kept at this port, and one or two more to be kept cruising in the area of the Red Sea in order to intercept the dhows which convey slaves across the Red Sea, a few of which, when captured and destroyed at this port and Hodeida, would have a very salutary effect in discouraging the slave-dealers in embarking in such risky enterprises.

With such measures adopted as suggested to your Lordship, and the intervention of Her Majesty's Ambassador at Constantinople, a very desirable end would soon be attained.

The Earl of Derby.

G. BEYTS.

Consul Beyts to the Earl of Derby.—(Received February 9.)
(Extract.) *Jeddah, January 15, 1875.*

SINCE I last had the honour of addressing your Lordship on this subject, from what has fallen under my own observation, I am convinced that the importation of slaves into the Hedjaz and Yemen countries, and from thence to Mecca and Jeddah, is a fact, and that they are conveyed across from the African side of the Red Sea and landed on the coast between this and Hodeida, probably a little south of the latter port; from whence, after supplying the depôts and slave-mart at Hodeida, they are marched towards Mecca. The Turkish authorities, from pecuniary considerations of their own,

certainly connive at, if they do not tacitly consent to this vile traffic being carried on under their very noses.

Under such disadvantageous circumstances it is gratifying to be able to report to your Lordship the little that has been accomplished in so short a time by adopting a firm but yet conciliatory line of conduct, and by maintaining a cordial and friendly intercourse with the Governor of Jeddah, who, being an excellent, worthy man, has rendered me every assistance that I have needed.

On my arrival at Jeddah I found a slave-mart located within 200 yards of my Consulate; the slaves being secretly introduced into the town by night, were disposed of during the day, under circumstances of examination the most revolting and degrading to be imagined. This, I am pleased to say, with the good offices of the Governor, is now no more; the mart is closed, and the dealers are forbidden to carry on slave transactions within the town. The evil has been so far overcome, but I fear only to be diverted and concentrated at Mecca.

I beg to forward a list of slaves liberated by me since my arrival at Jeddah, and I trust my proceedings in the discharge of my duty will meet with your Lordship's approbation.

The Earl of Derby.

G. BEYTS.

(Inclosure.)—List of Slaves that have been liberated at Jeddah.

| Date. | Names of slaves. | Country. | Village or town. | Age. | Masters owned by. | Subjects. | |
|----------|------------------|-------------|------------------|----------|-------------------|-------------|---|
| 1874. | | | | Years. | | | |
| Dec. 23 | Taiseer | Abyssinia.. | Valiso .. | 12 | Mahmood Shadri. | Turkish .. | } Manumitted by the local authority. |
| " 23 | Aman .. | " .. | Limo .. | 18 | Saleh ba Amer .. | " .. | |
| " 23 | Almaz. | " .. | Joomä .. | 18 | Othman .. | " .. | |
| " 26 | Bellal .. | " .. | " .. | 20 | Bahlawan .. | Boukhara .. | |
| " 29 | Said .. | " .. | Darfoor .. | 13 | Agiel .. | Turkish .. | } Manumitted by Her Britannic Majesty's Consul. |
| " 23 | Aman .. | " .. | Gairah .. | 15 or 16 | Ali Gotha .. | British .. | |
| " 24 | " .. | " .. | Bajefar .. | 20 or 21 | Said Ali .. | " .. | |
| 1875. | | | | | | | |
| Jan. 2.. | " .. | " .. | Warrata. | 20 | Sadik Capoli .. | " .. | } Manumitted by Her Britannic Majesty's Consul. |
| " 5.. | Naseeb | " .. | " .. | 18 | Hafees Edeen .. | " .. | |

Jeddah, January 14, 1875.

G. BEYTS.

The Earl of Derby to Consul Beyts.

(Extract.)

Foreign Office, February 11, 1875.

I HAVE received your despatch dated the 27th of December last, together with its inclosures relating to Slave Trade matters, and with reference to the holding of slaves by British Indian subjects I have to acquaint you that I entirely approve the intimation conveyed by you to them to the effect that they are strictly forbidden to hold or to traffic in any way in slaves; and whilst it will be your duty to see that all slaves held by British subjects are manumitted, and if the

circumstances of the case should require it, that the offenders are punished, I have at the same time to observe that it is not the wish of Her Majesty's Government that when slaves are thus freed they should be compelled or induced to leave their owners; they must be made to comprehend that they are their own masters, and free to dispose of their services as they may see fit, but that being done, they must decide for themselves.

I have further to acquaint you that I approve of your having freed the two Abyssinian slave boys referred to in your despatch as having been held by British subjects.

With regard to slaves held by Turkish subjects who may apply to you for protection, I have to state that it is not advisable that you should encourage applications of this nature; and when you are applied to, you will not interfere in their behalf unless you have good reason for believing that they have been ill-treated by their masters, when you will be at liberty to send the applicants to the Governor, or other proper Turkish authority, with such a communication to the authority as the circumstances of the case may warrant.

You acted rightly, therefore, in dealing with the case of the 4 Abyssinian slaves belonging to Turkish subjects, who, as reported in your despatch now under reply, applied to you for protection.

Upon the general question of the Slave Traffic carried on by the Turks, or under the Turkish or Egyptian flags, I think it right to point out to you that there are no Treaty engagements existing between Her Majesty's Government and either Turkey or Egypt that would authorize a British cruizer to seize or detain a Turkish or Egyptian vessel engaged in the Slave Trade; and for the present, therefore, you must confine your action to acquiring all the information possible in regard to the manner in which Slave Traffic is carried on, its amount, whence the slaves are derived, and their destination. You will be perfectly justified, however, in denouncing to the Turkish authorities any well authenticated cases of Slave Traffic which may come under your cognizance, and in requesting that the guilty parties may be punished according to their deserts.

When the question is settled as to the extent of your jurisdiction, I have to acquaint you that you will be justified in freeing any slaves which you may find in the possession of British Indian subjects at ports which may be recognized by the Turkish authorities as being within your Consular district, and you will take such steps as may be necessary for the punishment of the offending parties.

I need scarcely point out that considerable tact and judgment will be required on your part in dealing with Slave Trade questions in the provinces of the Hedjaz and Yemen, and you will be particularly careful, therefore, to distinguish between Slave Traffic, which

you will be justified in denouncing, and the status of domestic slavery, in the latter of which it is not the wish of Her Majesty's Government that you should unnecessarily interfere.

G. Beyts, Esq.

DERBY.

Extract of a Letter from Consul Beyts, dated Suez, April 18, 1875.

As far as I can learn, there are from 20,000 to 25,000 slaves imported to Yemen and Hedjaz. The Consul at Smyrna has been writing me that slaves have been found on board of two steamers which arrived there from Jeddah. This is nothing new; all the Government steamers, as well as those of the Austrian Lloyds', from Hodeidah, calling in at Jeddah, have numbers of Africans on board, but they were always protected by passports and other documents signed by the Kadi, stating them to be the wives of the officers and soldiers. No doubt these documents are destroyed, and the victims are sold into slavery at Constantinople, but no slaves are bought and shipped at Jeddah, or we should hear of it. Some time after I had closed the mart and left Jeddah, some slaves (14 in number) were clandestinely introduced into the town at night, and an attempt was made to sell them in the mart. Mr. Wylde heard of it, and wrote to the Governor, who himself repaired to the spot and dispersed them, putting the brokers into prison.

G. BEYTS.

Consul Beyts to the Earl of Derby.—(Received June 21.)

(Extract.)

Suez, June 10, 1875.

I HAVE the honour to inclose some remarks on the Red Sea Slave Trade from a thoroughly trustworthy source, which have been forwarded to me by Mr. A. B. Wylde, the Acting Consul at Jeddah, accompanied by a letter from himself. Mr. Wylde informs that the Slave Trade has increased greatly, judging from the number of young slaves to be seen in the town. The public market is still closed, but there are so many facilities offered for private sales that the closing of the market is hardly felt to be an inconvenience. The Governor, however well-disposed, is powerless to interfere with and put a stop to the private traffic; and he has made himself unpopular by paying so much attention to the subject.

Referring to the above remarks, I beg to inform your Lordship that the author's statements are derived from facts which have fallen under his own personal observation when visiting Massowah and Hodeidah; and they are, moreover, fully borne out by the testimony of an English mercantile gentleman who had been residing at, and is lately returned from, Hodeidah.

Your Lordship will observe that the remarks contain the most

conclusive and confirmatory evidence which can be given to the reports which I have had the honour to make in my previous despatches on Slave Trade. I look on the statements as being a recapitulation of my own, diffident as I felt at the time in making them, from want of positive proofs. I feel gratified in finding them to be substantively correct, and so faithfully verified on such good authority.

So long as the Turkish and Egyptian Governments make mere hollow professions of putting down the Slave Trade, and at the same time knowingly permit slaves to be embarked and disembarked at their ports; so long as they replenish their coffers by permitting (if they do not instruct) their Governors and other officials to levy a poll-tax on slaves that are landed at Jeddah, Hodeidah, and other ports on the Yemen coast, the tax probably having been already levied at the ports of shipment on the Abyssinian and Nubian coasts; so long as slave-landing operations can be carried on under the very guns of the Turkish men-of-war lying in port, and so long as the officials, high and low, participate more or less in the gains of the traffic,—beyond dealing with British Indian subjects, on whom alone the restrictions can be enforced, and making futile representations to the authorities, Her Majesty's Consul can do little good in putting a check on a traffic which is carried on by the slave-dealers with the utmost impunity and in defiance of all authority. Any prohibitive measures attempted, without the means to enforce them, only incur the scorn and bitter hatred of the dealers, who show their resentment by inciting the fanatical Arabs against the Europeans, the small band of which, having no reliable protection, would be, in the case of a rise, entirely at the mercy of a savage mob.

It therefore becomes my duty to inform your Lordship that, to take firm and decisive steps for putting down the Slave Traffic at Jeddah, it would be absolutely necessary that one of Her Majesty's gun-vessels be stationed there for the protection of her subjects. When Her Majesty's vessels of war acquire by Treaty the right of search in the Red Sea, cruize in the limits indicated by Annesley Bay on the Abyssinian and Suakim on the Nubian coasts, from which the supplies are drawn, and intercept the dhows carrying slaves across to the Yemen coast, a few seizures would deter the dealers from embarking in such risky enterprizes; and by cutting off the supply the trade would diminish, and ultimately be rooted out.

Owing to the vigilance exercised by Her Majesty's vessels Slave Trade operations can no longer be pursued on the south-east coast of Africa, except with imminent risks to the dealers, which they do not care to incur; consequently, the trade has been diverted to the Red Sea, where it flourishes—slaves to the extent of 25,000 to

30,000 being annually imported into the Hedjaz and Yemen, a large portion of them being conveyed to Egypt, Constantinople, and other Mediterranean ports by steamers of the Austrian Lloyds' Company, and those belonging to the Turkish and Egyptian Governments. The steamers of the Austrian Lloyds' Company are in the habit of carrying slaves as deck passengers; they make no concealment of doing so. My attention was called to this fact by a letter addressed to me by Her Majesty's Consul at Tunis. On inquiring from the Company's agent at Jeddah, I learnt from him that such negro deck passengers were the wives and families of the Turkish soldiers, and that they were in possession of certificates from the Governor and Kadi of Hodeidah. There can be no doubt that the documents alluded to are fictitious, and that they are destroyed whenever opportunities offer for selling the slaves.

The Earl of Derby.

G. BEYTS.

(Inclosure 1.)—*Acting Consul Wylde to Consul Beyts.*

(Extract.)

Jeddah, May 28, 1875.

I HAVE the honour to report that, since writing my last letter to you on this subject, I have heard from most reliable European and native sources of the landing of a cargo of 60 slaves about 5 miles south of this port. The proof of this is that the quarantine officials have been informed of the same, and have collected their usual passenger dues on the batch from the owner of the bugla.

Evidence is only too clear of the sad increase in this traffic. It but wants a walk through the bazaar during the early portion of the day to see with one's own eyes the many small and adult slaves standing about, or being moved from one part of the town to the other, chiefly towards the Mecca Gate, and to the village situated towards the south-east of the town.

If the Quarantine Department of the Turkish Government collect dues on the import of slaves, and the officers and officials openly buy male and female domestics, it will be hopeless for any representative of Her Majesty's Government to try and put a stop to the trade.

The example set by the Turkish officials is a guarantee to the Arabs of their not being molested, and they can prosecute their trade with impunity.

The Austrian boat *Flora*, steam-ship, which arrived yesterday from Hodeidah, brought 4 slaves, shipped as deck passengers for this port.

Orders have arrived from the Governor-General of the Hedjaz that all slaves seeking refuge in the British Consulate are not to be delivered up to their masters, but other arrangements to be made for their disposal. What these arrangements are I have not been

informed, but will write further on the subject when the Governor-General's order can be made more explicit.

G. Beyts, Esq.

A. B. WYLDE.

(Inclosure 2.)—Remarks on the Red Sea Slave Trade.

HODEIDAH, the seaport of the Province of Yemen, is the principal mart, and may be considered as the head-quarters of the trade. It is here that the slaves are first landed after their voyage from the African coast, and the place from which Jeddah and the other towns to the north draw their supplies. There is not the slightest attempt made at concealing the traffic, and indeed it is whispered that the local authorities derive a benefit from each fresh importation, so much per head being paid for all slaves landed.

The slave-quarters, a collection of mat huts, are situated but a few yards outside the walls of the city, and the business is done by slave-brokers, who go round the cafés inquiring for purchasers, and announcing the qualities of the human chattels for sale.

Professional duties having taken me to Hodeidah, I took advantage of the opportunity to make a few inquiries as to how the market was supplied. Accompanied by a Turkish officer, who was anxious to purchase a slave to send to Constantinople, and a slave-broker, I went to the house of the principal dealer. Several young boys were brought in for our inspection. Their ages ranged from 12 to 16 years, and their prices from 75 to 100 dollars. A number of female slaves were then shown, young girls between 12 and 16 years of age; 130 dollars was the highest price asked by the dealer, though I was told that a young and good-looking slave girl would sometimes fetch 200 dollars.

Most of these poor creatures meet with a miserable fate. Purchased for their good looks, after a month or two of possession, the master, becoming tired of his victim, re-sells her to the slave-dealer at a reduction, and thus they are passed on from one to the other, serving the lusts of many masters until they sink down into kitchen drudges, or are cast adrift to shift for themselves.

The slaves whom I saw were all finely featured and very intelligent-looking. The dealer said they were Abyssinians, although some were dark enough to have come from Sowakim in Nubia. At another slave-dealer's we saw about 20 little fellows, the eldest of whom could not have been 10 years of age.

None of the slaves shown to us could speak a word of either Arabic or Turkish—nothing but their own native dialect, showing that they must have been but newly imported; in fact we were informed that a few weeks previous to our arrival quite a large number of slaves had been received from Massowah.

Owing to the active exertions of the British cruisers, we were

informed that but very few dhows had entered the Red Sea from the south, and that the dealers were now dependent upon Massowah and Zeilah for supplies.

The slave-dealers were all most bitter in their denunciation against the English, who have so unwarrantably, as they consider, interfered with their trade, and stolen so many of their slaves.

Whilst at Hodeidah I saw no dhow with the plain Arab flag, and I believe the traffic to be carried on entirely under the Turkish and Egyptian flag. The Austrian flag, too, cannot be quite exempted from a charge of indirectly assisting in this traffic, for the steamers of the Austrian Lloyd's, which trade along the coast of the Hedjaz and Yemen, carry up to the northern ports, and sometimes even as far as Constantinople, many a batch of deck passengers who are nothing but slaves.

A person presents himself at the office of the Agency, or on board of the ship, and asks for a number of tickets for deck passengers. The money being paid, no questions are asked, but the tickets are given at once, and serve for a shipment of a batch of slaves.

I have just been informed by a passenger that the steamer of the Austrian Lloyd's which arrived at Jeddah on the 18th instant (May, 1875), landed at that place 15 young Abyssinian women, shipped at Hodeidah as deck passengers, and which are now for sale.

One or two small cruizers in the Red Sea, to watch the Abyssinian coast, with permission to examine all dhows under the Turkish or Egyptian colours, would soon put an end to this infamous traffic. At the same time, representations being made in the proper quarter, the agents of the Austrian Lloyd's might be instructed to make a visit of inspection with the captain of the ship previous to the vessel leaving port, and in case of any deck passengers being found under suspicious circumstances, to cause them to be immediately landed and placed in charge of the local authorities, with the view of their liberation.

VENEZUELA.

The Earl of Derby to Mr. Middleton.

SIR, *Foreign Office, October 14, 1875.*

I TRANSMIT to you herewith a copy of a despatch from the Acting British Consul-General at Havana,* respecting a project of importing Indians into Cuba from Venezuela; and I have to request you to bring this subject before the Venezuelan Government, and to point out to them that in a country where the status of slavery

* Page 856.

exists, the difference between the treatment which these Indians, if imported, will receive, and that which slaves meet with, will be merely nominal and to the detriment of the Indians, as the masters may have some interest in preserving the lives of their slaves, whilst they would have none in sparing the Indians. I am, &c.,

R. T. C. Middleton, Esq.

DERBY.

RUSSIAN NOTE, denouncing the Treaty of Commerce and Navigation with France of June $\frac{2}{14}$, 1857.—Paris, January 28, 1873.*

Le Prince Orloff au Comte de Rémusat.

M. LE MINISTRE,

Paris, le 28 Janvier, 1873.

VOTRE Excellence n'ignore pas la divergence d'interprétation à laquelle ont donné lieu les stipulations de notre Traité de Commerce avec la France, conclu en 1857.

Cette divergence est de nature à inspirer au Cabinet Impérial le désir de profiter des dispositions de l'Article XXIV de la Convention pour en faire cesser les effets.

Toutefois, pour se rendre au désir exprimé par M. le Président de la République, et voulant donner au Gouvernement Français un nouveau témoignage de déférence, le Cabinet Impérial consentirait à suspendre la dénonciation du Traité dont il s'agit, dans le cas où le Cabinet de Versailles serait disposé, de son côté, à envoyer un Plénipotentiaire à St. Pétersbourg, chargé d'en conclure un nouveau. Mais il resterait entendu, de part et d'autre, que la communication dont j'ai l'honneur de m'acquitter aujourd'hui auprès de votre Excellence, d'ordre de ma Cour, tiendra lieu d'une dénonciation formelle de la Convention du $\frac{2}{14}$ Juin, 1857, dans le cas où les négociations pour la conclusion d'un nouveau Traité de Commerce n'aboutiraient pas.

Dans ce dernier cas, le Traité de 1857 sera considéré comme dénoncé par le Cabinet Impérial de Russie depuis le $\frac{1}{3}$ Mars prochain, et ses effets devront cesser dans un an, à partir de cette date.

En priant votre Excellence de vouloir bien m'accuser la réception de la présente, j'ai, &c.

Le Comte de Rémusat.

ORLOFF.

Le Comte de Remusat au Prince Orloff.

M. L'AMBASSADEUR,

Versailles, le 14 Février, 1873.

J'AI reçu la lettre que votre Excellence m'a fait l'honneur de m'écrire, le 28 du mois dernier, au sujet de la dénonciation éven-

tuelle du Traité de Commerce signé le 14 Juin, 1857, entre la France et la Russie.

Le Gouvernement de Sa Majesté l'Empereur, désirant profiter des dispositions de l'Article XXIV du Traité, relatif à la durée de cet acte international, et conservant, d'autre part, l'espoir que les négociations pourront s'engager prochainement pour la conclusion d'une nouvelle Convention plus favorable au développement des relations commerciales entre les deux pays, consent à suspendre la dénonciation officielle du Traité, mais demande, en même temps, qu'il soit pris acte de son intention formelle d'en faire cesser les effets à partir du 13 Mars, 1874, dans le cas où, à cette époque, les négociations n'auraient point abouti à une entente.

En vous accusant réception de cette communication, je ne puis, M. l'Ambassadeur, que vous remercier des sentiments de confiance et d'amitié qui l'ont inspirée. Le Gouvernement Français partage sincèrement le désir du Cabinet Impérial d'améliorer par de nouvelles stipulations les rapports commerciaux et maritimes qu'entretiennent les deux nations, et je recevrai avec empressement les ouvertures que votre Excellence voudra bien m'adresser pour fixer, d'un commun accord, les bases de la négociation qu'auront à poursuivre les Plénipotentiaires qui seront ultérieurement désignés.

Agréez, &c.,

Le Prince Orloff.

RÉMUSAT.

ARRANGEMENT for the Exchange of Money Orders between the Money Order Department of India and the Post Office of Italy.—Signed at Florence, August 27, 1875, and at London, September 21, 1875.

IN order to establish an exchange of Money Orders between India and Italy, the Undersigned, duly authorized for that purpose, have, subject to ratification, agreed upon the following Articles:—

ART. I. There shall be a regular exchange of Money Orders between India and Italy by means of the weekly mail service *viâ* Brindisi.

II. The Money Order business between the two countries shall be performed exclusively through offices of exchange communicating with each other by means of lists, as explained more particularly below, the Money Orders being made out and forwarded to the payees by the office of exchange of the country in which the Orders are payable. The offices of exchange shall be, on the side of India, Bombay, and on the side of Italy, Florence,—the exchange office of Florence using the office at Brindisi for the transmission of the Lists A A as provided in the annexed form of transmitting letter.

III. The amount of Orders exchanged in both directions shall be expressed in sterling money.

IV. The maximum amount for which a Money Order may be drawn in either country upon the other shall be 10%.

V. No Money Order shall contain a fractional part of a penny.

VI. The manner and conditions of issuing Money Orders in either country shall be governed by the regulations in force for the time being in the country of issue.

VII. The cost of Money Orders, *i.e.*, the amounts to be paid for them by the remitters in the currency of the country of issue, shall be governed by the regulations in force for the time being in the country of issue.

Each country shall communicate to the other the regulations relating to the charges for Money Orders issued in force for the time being.

VIII. Applications by remitters for the alteration or correction of the name of the payee shall be received under the regulations of the country of issue, and forwarded to the country of payment for disposal under its regulations, accompanied by such information as may be necessary for the identification of the particular Orders referred to.

Applications by remitters for repayment of Orders shall be received and forwarded in like manner, the repayment being made only under the authority of the country of payment, and according to the regulations of the country of issue.

IX. The conversion of Money Orders into the currency of the country of payment shall be governed by the regulations in force for the time being in the country of payment.

Each country shall communicate to the other the regulations, for the time in force, relating to the conversion of Money Orders expressed in sterling money into its own currency for the purpose of payment.

Provided that in the case of any change of the rate at which Orders are converted into Indian or Italian currency for the purpose of payment, the Indian or Italian Office shall cause the operation of such change to commence with the Orders to be received from Italy or India, with the Brindisi or Bombay list bearing date in a particular week: such week being specified in the Indian or Italian intimation of change, and being so calculated as to allow of the circulation in Italy or India of the new Indian or Italian tariff prior to the issue of the Orders affected thereby. The first day of any week so fixed by the Indian or Italian Office shall be at least 30 days after the Bombay or Brindisi date of the mail which carries the intimation.

X. The manner and conditions of paying Orders, including stop

page of payment, renewal of Orders, issue of duplicate Orders, and other services affecting payment, shall be governed by the regulations in force for the time being in the country of payment.

XI. The amount of Money Orders not ultimately paid, *i.e.*, of Orders which become void under the regulations of the country of payment, shall belong to the country of issue.

XII. The country of issue which collects the money from remitters shall account to the country of payment for the total amount of the Orders issued, together with 1 per cent. additional on the total by way of commission.

XIII. The two offices of exchange shall communicate to each other by each mail the particulars of Money Orders issued by means of lists of the annexed forms marked A and AA, giving all particulars for which provision is made in the forms.

The particulars as to names shall include the surname, and at least the initial of one Christian name, both of the remitter and of the payee, or, in the case of natives of India, the name, tribe or caste, and father's name, or the name of the firm or company who are the remitters or payees. The address of the payee must be given fully and precisely, as on it depends the determination by the receiving office of exchange of the office where the Order shall be made payable.

XIV. Besides the particulars of Money Orders issued, the lists mentioned in Article XIII shall contain particulars of Orders authorized to be repaid to the remitters.

XV. Blank lists shall be forwarded in case there shall be no Money Orders to communicate.

XVI. Should any list fail to be received in due course, the despatching office shall, on receiving information to that effect, transmit without delay a duplicate thereof.

XVII. The lists despatched from each office of exchange shall be numbered consecutively, commencing with No. 1 for the first list of each calendar year, and these numbers shall be termed the "List numbers."

XVIII. The entries in the lists respecting Orders issued shall also bear consecutive numbers, commencing with No. 1 for each list, and these numbers shall be termed the "Entry numbers."

XIX. Each list shall be accompanied by a transmitting letter of the form annexed, bearing the same number and date as the list. This transmitting letter shall mention the number of applications forwarded from remitters affecting Orders previously issued; it shall give information respecting the disposal of similar applications received from the other office of exchange, and it shall contain an acknowledgment of the list or lists received since the date of the previous letter.

XX. Each list shall be carefully verified by the receiving office of exchange, and corrected when it contains simple errors, such corrections being noted at the foot of the transmitting letter containing the acknowledgment of the receipt of the list.

XXI. When a list shall contain errors or irregularities which cannot be rectified without previous communication with the despatching office, the receiving office shall, at the time of acknowledging the receipt, request an explanation from the despatching office. This explanation shall be given with as little delay as possible, and meantime the payment of Orders dependent on the irregular entries shall be suspended.

XXII. As soon as the Italian office of exchange shall have received from India acknowledgments of the receipt of all the lists bearing dates in any quarter, these lists, as well as the Indian lists bearing dates in the same quarter, shall be made the subject of a quarterly account in the annexed Form B.

XXIII. The account mentioned in Article XXII shall be based on the lists as corrected by the receiving office, any entries at the time under suspension pending explanation being excluded.

XXIV. The account shall also include, under the head of "Special Items," any necessary adjustments of previous accounts (such as adjustments on account of suspended entries), as well as any other items of account not otherwise provided for, a detailed statement of such special items being annexed to the account, and the correspondence or other documents forming the authority for each special item being quoted opposite it in the statement.

XXV. The account shall be prepared in duplicate, one copy being forwarded to the Indian office of exchange, and the other through the General Post Office, Florence, to the Financial Secretary, India Office, London, for payment by bill of exchange on Florence, if the balance be in favour of Italy, and with payment by bill of exchange on London, if the balance be in favour of India.

In the case of payment to Italy, the bill of exchange on Florence shall be for an amount in Italian currency equivalent, at the current rate of exchange, to the balance in sterling money stated in the account.

XXVI. Each office shall have authority to suspend temporarily the exchange of Money Orders, in case the course of exchange, or any other circumstance, shall give rise to abuses, or cause detriment to the revenue.

XXVII. For ordinary correspondence, affecting the preparation, transmission, or correction of lists, accounts, &c., the offices of exchange shall be the medium; but in matters involving questions other than detail, the offices of correspondence shall be the General Post Office, Florence, on the one hand, and the office of the Con-

troller-General of Accounts, Money Order Department, Calcutta, on the other hand.

XXVIII. The Department charged with the control of Money Orders in either country shall have authority to adopt any additional rules (if not repugnant to the foregoing) for the greater security against fraud, or for the better working of the system generally. All such additional rules, however, shall be communicated by the one Department to the other.

XXIX. The present arrangement shall take effect on the 1st January, 1876. It shall then continue in force until one year after the date at which one of the Contracting Parties shall have notified the other of its intention to terminate it.

Executed in duplicate and signed: at London, the 21st of September, 1875; at Florence, the 27th of August, 1875.

(L.S.) A. M. MONTEATH, *Director-General of
Posts of India.*

(L.S.) G. BARBAVARA, *Director-General of
Posts of Italy.*

(*Transmitting Letter.*)

List No. , despatched from .
Dated the , 187 .

SIR,

I TRANSMIT to you herewith a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, applications, on each of which there has been noted:—

1. A serial "Application No. " (which can be quoted by you in any reference thereto);
2. The number and date of the list in which the Order referred to was originally entered; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of; those entered as "not yet disposed of" will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list I have received your list No. , dated , which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient servant,

To the General Post Office, Florence.

A. From Bombay to Florence.
No. , dated 187 .

List of Money Orders drawn in India upon Italy.

| Particulars to be furnished by the Bombay Office. | | | | | | For the use of the Italian Office. | | | | |
|---|------------------------------------|---|-------------------------------|----------------|-------------------|------------------------------------|----|----|------------------------------|-----------------------------|
| Entry No. | Date of Receipt given to Remitter. | Office by which the Money was received. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | | | Equivalent in Italian Money. | No. of Italian Money Order. |
| | | | | | | £ | s. | d. | | |
| | | | | | | | | | L. | c. |
| | | | | | Total ... | | | | | |

List of Void Money Orders, as well as of Money Orders for Repayment of which to Remitters in Italy authority is hereby given.

| Italian (A.A.) List in which the Orders were originally included. | | | | | | For the use of the Italian Office. | | |
|---|-------|-----------|--|------------------|----|------------------------------------|------------------------------|-----------------------------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in Italian Money. | No. of Italian Money Order. |
| | | | | £ | s. | d. | L. | c. |
| | | | Total ... | | | | | |

N.B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

(*Transmitting Letter.*)

List No. , despatched from .
Dated the , 187 .

SIR,

THE Office at Brindisi will transmit to you on my behalf, by the same mail which conveys this letter, a list bearing the above-mentioned number and date, containing a detailed statement of Money Orders payable by your Department, and also of void Orders, and of Money Orders drawn by your Department and now authorized to be repaid to the remitters.

I forward herewith, for disposal by you, applications, on each of which there has been noted :—

1. A serial "Application No. " (which can be quoted by you in any reference thereto) ;
2. The number and date of the list in which the Order referred to was originally entered ; and,
3. The entry number under which it was entered in the list.

Annexed is a memorandum, showing how the applications received from you up to date have been disposed of ; those entered as " not yet disposed of " will continue to be quoted in future letters until they are disposed of.

Since the despatch of my last list, I have received your list No. , dated , which was found to be correct, with the exception noted below.

I am,

Sir,

Your obedient servant,

To the Controller, Money Order Office, Bombay.

A.A. From Brindisi to Bombay.

No. , dated 187 .

List of Money Orders drawn in Italy upon India.

| Particulars to be furnished by the Italian Office. | | | | | | | For the use of the Bombay Office. | | | | | | |
|--|------------------------------|--|-------------------------------|----------------|-------------------|------------------|-----------------------------------|----|----|-----------------------|----------------------------|-----------------------------|----------|
| Entry No. | Original No. of Money Order. | Office in which the Money Order was paid in. | Name and Address of Remitter. | Name of Payee. | Address of Payee. | Amount of Order. | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. |
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List of Void Money Orders, as well as of Money Orders for the Repayment of which to Remitters in India authority is hereby given.

| Indian (A) List in which the Orders were originally included. | | | | | | | For the use of the Bombay Office. | | | | | | |
|---|-------|-----------|---|------------------|----|----|-----------------------------------|----|----|--------------------------|-------------------------------------|--------------------------------------|----------|
| List No. | Date. | Entry No. | Name and Address of Remitter as given therein. | Amount of Order. | | | Equivalent in Indian Money. | | | Office where payable. | No. of Indian Money Order. | Date of Indian Money Order. | Remarks. |
| | | | | £ | s. | d. | R. | A. | P. | | | | |
| | | | Total ... | | | | | | | | | | |

N. B.—Void Orders entered in this List should be distinguished by the word "void" added opposite the number in Column I.

B.

Quarterly Account of Money Order Exchanges between Italy and India,
prepared by the Italian Office of Exchange, for the Quarter
187 .

[illegible]

CIRCULAR to British Naval Officers respecting the Reception of Fugitive Slaves on board Her Majesty's Ships of War.—
London, December 5, 1875.

[Circular No. 51.]

— [Admiralty, Dec. 5, 1875.]

My Lords Commissioners of the Admiralty are pleased to issue the following instructions for the guidance of the Commanders of Her Majesty's ships in reference to the receipt of fugitive slaves.

These instructions are to be considered part of the General Slave Trade Instructions, and to be inserted at page 29 of that volume, with the heading of "Receipt of Fugitive Slaves," but they are also intended for the guidance of Commanders of Her Majesty's ships generally.

93A. When any person professing or appearing to be a fugitive slave seeks admission to your ship on the high seas, beyond the limit of territorial waters, and claims the protection of the British flag, you will bear in mind that, although Her Majesty's Government are desirous by every means in their power to remove or mitigate the evils of slavery, yet Her Majesty's ships are not intended for the reception of persons other than their officers and crew. You will satisfy yourself, therefore, before receiving the fugitive on board, that there is some sufficient reason in the particular case for thus receiving him.

93B. In any case in which, for reasons which you deem adequate, you have received a fugitive slave into your ship, and taken him under the protection of the British flag upon the high seas, beyond the limit of territorial waters, you should retain him in your ship, if he desires to remain, until you have landed him in some country, or transferred him to some other ship, where his liberty will be recognized and respected.

93C. Within the territorial waters of a foreign State, you are bound, by the comity of nations, while maintaining the proper exemption of your ship from local jurisdiction, not to allow her to become a shelter for those who would be chargeable with a violation of the law of the place. If, therefore, while your ship is within the territorial waters of a State where slavery exists, a person professing or appearing to be a fugitive slave seeks admission into your ship, you will not admit him, unless his life would be in manifest danger if he were not received on board. Should you, in order to save him from this danger, receive him, you ought not, after the danger is past, to permit him to continue on board; but you will not entertain any demand for his surrender, or enter into any examination as to his status.

93D. If, while your ship is in the territorial waters of any Chief or State in Arabia, or on the shores of the Persian Gulf, or on the

East Coast of Africa, or in any island lying off Arabia, or off such coasts or shores, including Zanzibar, Madagascar, and the Comoro Islands, any person should claim admission to your ship and protection on the ground that he has been kept in a state of slavery contrary to Treaties existing between Great Britain and the territory, you may receive him until the truth of his statement is examined into. In making this examination it is desirable that you should communicate with the nearest British Consular authority, and you should be guided in your subsequent proceedings by the result of the examination. In any case of doubt or difficulty you should apply for further instructions, either to the Senior Officer of your Division or the Commander-in-Chief, who will, if necessary, refer to the Admiralty.

93E. A special report is to be made of every case of a fugitive slave seeking refuge on board your ship.

By command of their Lordships,

VERNON LUSHINGTON.

*To all Commanders-in-Chief, Captains, Commanders,
and Commanding Officers of Her Majesty's
Ships and Vessels.*

*ORDINANCE of the Governor of Hong Kong, with the advice
of the Legislative Council thereof, to consolidate and amend
the Law relating to Chinese Passenger Ships, and the con-
veyance of Chinese Emigrants.*

[No. 5.]

—

[7th September, 1874.]

WHEREAS it is expedient to consolidate and amend the law relating to Chinese passenger ships and the conveyance of Chinese emigrants: Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:—

Preliminary.

1. This Ordinance may be cited for all purposes as “The Chinese Emigration Consolidation Ordinance, 1874.”

2. In the interpretation of this Ordinance,—

The term “Chinese passenger ship” shall include every ship carrying from any port in Hong Kong, and every British ship carrying from any port in China, or within 100 miles of the coast thereof, more than 20 passengers being natives of Asia;

The expression “Chinese emigrant ship” shall mean any ship not being a “Chinese passenger ship,” lying in the waters of the Colony, and fitting out or intended to be used for the conveyance of

Chinese emigrants to be embarked at any port or place out of the Colony ;

The term "fittings" shall include any article capable of being used as part of the tackle, apparel, furniture, or equipment of a ship ;

The expression "prohibited fittings" shall mean any fittings prohibited by this Ordinance, or by a proclamation of the Governor ;

The expression "emigration officer" shall include any person deputed or authorized by the emigration officer to execute any power or perform any duty vested in or imposed upon him by this Ordinance ;

The word "Colony" shall include all Her Majesty's possessions abroad not being under the Government of the Viceroy of India ;

The word "Governor" shall signify the person for the time being lawfully administering the Government of such Colony ;

The term "British Consul" shall include any person lawfully exercising Consular authority on behalf of Her Majesty in any foreign port ;

The word "ship" shall include all sea-going vessels ;

The term "Commander or master of any ship" shall include any person for the time being in command or charge of the same.

Definition of a Voyage within "The Chinese Passengers Act."

3. Any Chinese passenger ship clearing out or proceeding to sea from any port in this Colony, or in China, or within 100 miles of the coast thereof, on any voyage or voyages to any other port or ports for the purpose of commencing at or from any such port or ports as last aforesaid a voyage of more than 7 days' duration, shall be deemed to have cleared out or proceeded to sea upon the said last-mentioned voyage from the said first-mentioned port within the meaning of "The Chinese Passengers Act, 1855."

PART I.—REGULATIONS UNDER "THE CHINESE PASSENGERS ACT."*

Notice of Passenger Ship being laid on the Berth.

4. The owners or charterers of every Chinese passenger ship, or, if absent from the Colony, their respective agents, shall, as soon as such ship is laid on for the conveyance of Chinese emigrants, give notice in writing of the fact to the emigration officer, specifying in such notice the name, destination, and probable time of departure of such ship, and in all cases where such intending emigrants are under contracts of service, of the depôt or depôts in which such intending emigrants are lodging or intended to be lodged before embarkation.

Licensing of "Chinese Passenger Ships."

5. No Chinese passenger ship (except ships about to proceed on

a voyage of not more than 30 days' duration, within the meaning of Section 8 of this Ordinance) shall clear out or proceed to sea, and the emigration officer shall not grant the certificate prescribed by Section 4 of "The Chinese Passengers Act, 1855," unless the master of such ship shall be provided with a licence under the hand of the Governor and the Public Seal of the Colony, to be obtained in manner hereinafter mentioned.

(2.) It shall be lawful for the Governor in Council from time to time to exempt from the operation of this section any mail steamers or other vessels which are subject to the provisions of "The Chinese Passengers Act, 1855," provided that the Chinese passengers proceeding in such vessels be free emigrants and under no contract of service whatever.

(3.) The owners or charterers of every such Chinese passenger ship, or, if absent from the Colony, their respective agents, shall, before such ship is laid on for the conveyance of Chinese emigrants, and before any depôt is opened for their reception, apply in writing to the Colonial Secretary for a licence under the hand of the Governor and the Public Seal of the Colony, for the conveyance of such emigrants, and shall furnish all particulars as to the destination of the said ship, and as to all other matters relating to the intended voyage and emigration which may be required of them, and shall also furnish the like particulars where any exemption is applied for under paragraph 2 of this section.

(4.) All such particulars shall, if so ordered, be verified upon oath before the emigration officer or any justice of the peace, and every person who shall knowingly furnish untrue particulars shall be liable to imprisonment with or without hard labour for any period not exceeding 6 calendar months, and to a fine not exceeding 100 dollars, either in addition to or in substitution of such imprisonment.

(5.) The granting of every such licence shall be in the discretion of the Governor in Council, and shall be subject to the payment of a fee of 100 dollars, and to such conditions as may from time to time be prescribed under instructions from Her Majesty's Principal Secretary of State for the Colonies, and the Governor in Council may impose such conditions on the granting of such licence as he shall think expedient in each particular case, provided the same shall not be contrary to or inconsistent with such instructions.

(6.) Every licence granted under this section in respect of any Chinese passenger ship shall specify the period within which such ship shall clear out and proceed to sea: Provided always that it shall be lawful for the Governor in Council from time to time to extend such period.

(7.) In case it shall be shown to the satisfaction of the Governor in Council at any time before the departure of a Chinese passenger

ship that the master, mate, or any other officer of such ship is unfit for the proper discharge of his duties by reason of incompetency or misconduct, or for any other sufficient cause, it shall be lawful for the Governor, by order under his hand, to discharge and remove such master, mate, or other officer from the said ship, and thereupon the owners or charterers thereof, or their agents, shall forthwith appoint a master or mate, or other officer, as the case may be, to be approved by the emigration officer, in the place of the one so discharged and removed as aforesaid.

(8.) In any of the following cases, namely :—

(a.) If it shall appear to the satisfaction of the Governor in Council, at any time before the departure of a Chinese passenger ship, that the particulars furnished in relation thereto under paragraph 3 are untrue, or that any condition of the said licence has been violated ;

(b.) If any Chinese passenger ship shall fail to clear out and proceed to sea within the period specified in the licence granted under this section, or within such extended period as aforesaid ;

(c.) If the owners or charterers of a Chinese passenger ship shall fail forthwith to appoint a master, mate, or other officer to be approved as aforesaid, in the place of any master, mate, or other officer discharged under paragraph 7 ;

It shall be lawful for the Governor in Council to revoke the licence granted under this section in respect of such Chinese passenger ship, and to order that the said ship be seized and detained until her emigration papers (if already granted) be delivered up to be cancelled.

(9.) The breach of any condition of a licence granted under this section shall be deemed a breach of a regulation respecting Chinese passenger ships within the meaning of Section II of "The Chinese Passengers Act, 1855."

(10.) It shall be lawful for the Governor in Council to apply the whole or any part of the penalty recoverable in case of the non-observance or non-performance of the regulations of this section under the provisions of Section V of "The Chinese Passengers Act, 1855," towards the expenses of reconveying to their homes intending emigrants, by any vessel, in respect of which the licence granted under this section shall have been revoked in manner hereinbefore provided.

(11.) Nothing in this section shall be deemed to affect the regulations contained in Schedule A of "The Chinese Passengers Act, 1855."

Emigration Passage Brokers.

6. No person shall act as a passenger broker, or in procuring

passengers for, or in the sale or letting of passages in any Chinese passenger ship, unless he shall, with two sufficient sureties, to be approved by the emigration officer, have entered into a joint and several bond in the sum of 5,000 current dollars to Her Majesty, her heirs and successors, according to the form contained in Schedule A hereunto annexed, which bond shall be renewed on each occasion of obtaining such licence as hereinafter mentioned, and shall be deposited with the emigration officer; nor unless such person shall have obtained a licence to let or sell passages, nor unless such licence shall be then in force; and where different members of the same firm act as passage brokers, each person so acting shall comply with the terms of this section.

(2.) Any person wishing to obtain a licence to act as a passage broker shall make application for the same to the emigration officer, and the emigration officer is hereby authorized (if he shall think fit) to grant such licence according to the form in Schedule B, hereunto annexed: Provided always that no such licence shall be granted unless such bond as hereinbefore mentioned shall have been first entered into: Provided also that any magistrate who shall adjudicate on any offence against this section is hereby authorized to order the offender's licence to be forfeited, and the same shall thereupon be forfeited accordingly; and the said magistrate making such order shall forthwith cause notice of such forfeiture, in the form contained in the Schedule C hereunto annexed, to be transmitted to the emigration officer, and such forfeiture shall be exclusive and independent of any other punishment which may be inflicted upon such offender under the provisions of this section.

(3.) Every person obtaining such licence as aforesaid shall pay to the emigration officer a fee of 200 current dollars, which fee the emigration officer is hereby empowered and required to demand and receive upon the issuing of any such licence; and the emigration officer shall pay all such fees into the Colonial Treasury, to the use of the Crown.

(4.) Such licence shall continue in force until the 31st day of December in the year in which such licence shall be granted, and for 14 days afterwards, unless sooner forfeited, as hereinbefore mentioned.

(5.) Every passage broker who shall or may receive money from any person for or in respect of a passage in any Chinese passenger ship, shall give to every such person a contract ticket, under the hand of such passage broker, and stamped with his seal or trade mark, each ticket to be printed in a plain and legible type, according to the form in Schedule D hereunto annexed, and to be accompanied with a translation thereof in the Chinese language, in plain and legible characters.

(6.) Every such passage broker before he shall receive or take

any money on account of any such passage, or for the sale or letting of the whole or any part of the accommodation of or in any Chinese passenger ship proceeding from Hong Kong, shall produce to the emigration officer the certificate of the master or owner of the ship, in respect of which such passage shall or may have been taken, or the accommodation in which shall have been so sold or let, to the effect that such ship has been chartered for the purpose of carrying emigrants, and that he, such passage broker, is authorized to receive payment for such passage, or for the sale or letting of the accommodation in such ship; and such certificate shall be filed in the office of the emigration officer.

(7.) On every occasion of the delivery to any passenger of such contract ticket as aforesaid, the passage broker who shall have engaged to provide such passenger with a passage shall attend with him at the office of the emigration officer, in whose presence the contract ticket shall be delivered to such passenger, and who shall explain to him the true intent and meaning of such contract.

(8.) No person shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any person to part with or render useless or destroy any such contract ticket, during the continuance of the contract which it is intended to evidence.

(9.) No licensed passage broker shall, as agent for any person, whether a licensed broker or not, receive money for or on account of the passage of any passenger on board a Chinese passenger ship, without having a written authority to act as such agent, or, on the demand of the emigration officer, refuse or fail to exhibit his licence and such written authority; and no person, whether as principal or agent, shall, by any fraud, or by false representation as to the size of the ship or otherwise, or by any false pretence whatsoever, induce any person to engage any passage as aforesaid.

(10.) Every emigration passage broker who shall contract with any intending emigrant for a passage in such ship shall forthwith give notice in writing to the emigration officer of every such contract, specifying the name, age, and sex of such emigrant and the name of such ship.

(11.) All violations or disobediences of, or defaults in compliance with, the provisions of this section, shall be heard and determined in a summary way; and on conviction of such offences the respective offenders shall be sentenced to pay the several penalties, or in default of the payment thereof to suffer the several terms of imprisonment, respectively hereinafter specified:—

(a.) For every offence against paragraph 1, a fine not exceeding 400 dollars, or imprisonment for a term not exceeding 6 months;

(b.) For every offence against paragraph 5, a fine not exceeding 50 dollars, or imprisonment for a term not exceeding 6 weeks;

(c.) For every offence against paragraph 6, a fine not exceeding 100 dollars, or imprisonment for a term not exceeding 3 months;

(d.) For every offence committed by a passage broker against paragraph 7, a fine not exceeding 100 dollars, or imprisonment for a term not exceeding 3 months;

(e.) For every offence against paragraph 8, a fine not exceeding 50 dollars, or imprisonment for a term not exceeding 2 months.

Hospital and Medical Inspection.

7. In every Chinese passenger ship, except ships about to proceed on a voyage of not more than 30 days' duration, within the meaning of Section 8 of this Ordinance, there shall be a sufficient space properly divided off to the satisfaction of the emigration officer at the port of clearance, to be used exclusively as a hospital or sick bay for the passengers; this space shall be either under the poop or in the round house, or in any deck-house which shall be properly built and secured to the satisfaction of such emigration officer, or on the upper passenger deck, and not elsewhere, and shall in no case be of less dimensions than 18 clear superficial feet for every 50 passengers which the ship shall carry. Every such hospital shall be fitted with bed places, and supplied with proper beds, bedding, and utensils, to the satisfaction of the emigration officer at the port of clearance, and shall throughout the voyage be kept so fitted and supplied.

(2.) In the measurement of the passenger decks, for the purpose of determining the number of passengers to be carried in any such Chinese passenger ship, the space for the hospital shall be included.

(3.) The Governor is hereby authorized to appoint, at a salary not exceeding 2,000 dollars per annum, a medical officer, whose duty it shall be to inspect intending emigrants and to supervise all matters and things in any way relating to the comfort and well-being of such emigrants before their departure and on their voyage, and such salary shall be in lieu of all fees.

(4.) No Chinese passenger ship shall clear out or proceed to sea on any voyage of more than 7 days' duration, until the proper medical officer as provided shall have certified to the emigration officer, and the said emigration officer shall not grant his certificate unless he is satisfied that none of the passengers or crew appear, by reason of any bodily or mental disease, unfit to proceed or likely to endanger the health or safety of other persons about to proceed in such vessel; and a medical inspection of the passengers, for the purpose of giving such certificate, shall take place either on board the vessel, or, at the discretion of the said emigration officer, at such time and place on shore, before embarkation, as he may appoint; and the master, owner, or charterer of the ship shall pay to the emigration

officer a sum at the rate of 25 current dollars for every 100 persons so examined, and such emigration officer shall pay the same into the Treasury to the use of the Crown.

(5.) The medical inspection of emigrants under contracts of service shall take place on shore before embarkation, as well as on board the said ship after embarkation, and the emigration officer shall not grant the certificate required by "The Chinese Passengers Act, 1855," unless he shall be satisfied that such double inspection has been duly made, or has been dispensed with by the sanction of the Governor.

(6.) It shall not be lawful for any emigrant under contract of service to embark in any Chinese passenger ship, or for the master or other person on board of a Chinese passenger ship to permit any such emigrant to embark therein, unless such emigrant shall produce an embarkation permit from the emigration officer, who shall not grant the same unless he shall be satisfied that such emigrant has undergone on shore the medical inspection required by law to be made before embarkation.

(7.) The medical inspection of emigrants required to be made after their embarkation in any Chinese passenger ship shall take place at such time as the emigration officer shall appoint.

(8.) Any Chinese medical practitioner properly qualified to the satisfaction of the Colonial Surgeon shall be eligible, with approval of the Governor, for the office of surgeon of a Chinese passenger ship, within the terms of Schedule A of "The Chinese Passengers Act, 1855."

Regulations for Voyages of not more than 30 Days' Duration.

8. All ships clearing out or proceeding to sea upon voyages of not more than 30 days' duration shall be subject to the modified regulations contained in Schedule E of this Ordinance, which, as regards such ships, shall be substituted for those contained in Schedule A of "The Chinese Passengers Act, 1855," but nothing in this section contained shall be deemed to relieve Chinese passenger ships from the operation of the said Act, except so far as the same is by the said Schedule expressly modified.

(2.) The voyages specified in Schedule F to this Ordinance annexed, are hereby declared to be voyages of not more than 30 days' duration, subject, as regards steamers, to the conditions as to their rate of speed, and, as regards sailing-vessels, to the conditions as to the periods of the year during which the voyage shall be performed, in the said Schedule respectively expressed and contained.

(3.) This section shall not be construed as affecting any Chinese passenger ship which is about to proceed to sea on a voyage of not more than 7 days' duration.

Depôts for Emigrants under Contract of Service.

9. The owners or charterers of every Chinese passenger ship which is about to convey emigrants under contracts of service shall, as soon as such ship is laid on for the conveyance of such emigrants, provide a depôt or depôts, to be approved of by the emigration officer, wherein every intending emigrant by such ship may lodge as hereinafter provided, and every such depôt shall be maintained, and every emigrant lodging therein shall be supported at the expense of such owners or charterers.

(2.) Every intending emigrant by such Chinese passenger ship shall lodge, at the least 3 clear days previously to his embarkation, in the depôt provided by the owners or charterers of such ship.

(3.) Every such depôt as aforesaid shall be under the supervision of the emigration officer, who may inspect the same at such times as he shall think fit, and there shall be at all times free ingress and egress allowed to all persons to and from such depôts, from 6 A.M. to 6 P.M.

Orders in Council relating to Quantity of Water.

10. All Orders of Her Majesty the Queen in Council relating to the quantity of water to be carried by passenger ships having a certain description of condensing apparatus shall apply to Chinese passenger ships.

No Chinese Passenger Ship, unless propelled by Steam, to clear between April and September.

11. No Chinese passenger ship, unless a vessel propelled by steam, bound to any port westward of the Cape of Good Hope, or to any port in Australia, New Zealand, Oceania, or Tasmania, shall be permitted to clear from any port in the Colony between the months of April and September inclusive.

Unwilling Emigrants.

12. It shall be lawful for the emigration officer, at any time when he is satisfied that any emigrant who is unwilling to leave the port has been obtained by any fraud, violence, or other improper means, to land such emigrant and procure him a passage back to his native place or that from which he was taken, and also to defray the cost of his maintenance whilst awaiting a return passage, and all such expenses, with all legal costs incurred, shall be recoverable by the emigration officer before any Police Magistrate from the emigration passage broker of the vessel in which such emigrant was shipped or intended to be shipped.

(2.) Whosoever shall unlawfully, either by force or fraud, take away or detain against his will any man or boy, with intent to put him on board a Chinese passenger ship, and whosoever shall, with

any such intent, receive, harbour, or enter into any contract for foreign service with any such man or boy, knowing the same to have been by force or fraud taken and obtained, as in this paragraph before mentioned, shall be guilty of felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be kept in penal servitude for any term not exceeding 7 years and not less than 3 years, or to be imprisoned for any term not exceeding two years, with or without hard labour.

Penalties for Breach of Ordinance.

13. The owners or charterers of any Chinese passenger ship, and any emigration passage broker, and any intending emigrant by a Chinese passenger ship, and any master or other person in charge of a Chinese passenger ship, who shall fail to comply with or commit any breach of the provisions of Part I of this Ordinance, so far as they may respectively be bound thereby, and any person granting or knowingly uttering any forged certificate, permit, notice, or other document under this Ordinance shall, without prejudice to any other proceeding, civil or criminal, be liable, upon summary conviction before a Magistrate, to a fine not exceeding 500 dollars, or to imprisonment with or without hard labour for any term not exceeding 6 months.

PART II.—EMIGRATION FROM PORTS OUT OF THE COLONY.

Emigrant Ship Fittings.

14. Before beginning to fit out any ship intended to be used for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, a notice to that effect shall be given in writing to the emigration officer, and such notice shall be signed by the owner and master of such ship, or, in the event of the owner not being resident within the Colony, by the agent and master thereof; and in case such notice shall not have been given, the owner and master or the agent and master of such ship, as the case may be, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed: Provided always, that where there shall be no agent of an absent owner in the Colony, the notice may be signed by the master alone.

(2.) The master of every ship arriving within the waters of the Colony, and which shall be fitted out for the conveyance of Chinese emigrants, shall, within 24 hours, report the same to the emigration officer, and in case he shall neglect so to do, he shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(3.) The fittings of every ship mentioned in paragraphs 1 and 2

of this section shall be subject to the approval of the emigration officer, who is hereby empowered, at all reasonable times, to go on board and search and inspect such ship and her fittings, and to order any fittings which shall in his opinion be objectionable, to be forthwith removed; and any person who shall in any way impede, or attempt to impede, the emigration officer in the execution of this duty, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(4.) No such ship shall clear out or proceed to sea until the master thereof shall have received from the emigration officer a certificate in the form contained in Schedule H to this Ordinance, and every such certificate shall be liable to a stamp duty of 25 dollars.

(5.) All barricades and gratings apparently intended to be used, or which are capable of being used, for the purpose of confining Chinese emigrants below decks, or within any particular part of a ship, shall be deemed to be prohibited fittings within the meaning of this section.

(6.) It shall be lawful for the Governor, from time to time, by Proclamation, to be inserted in the "Gazette," to prohibit the use or carriage in any ship of any other description of fittings therein specified, and every such prohibition shall have the same force or effect as if it were expressly enacted in this section.

(7.) All prohibited fittings, wherever found within the Colony, shall be seized and shall be forfeited to the Crown in manner hereinafter mentioned.

(8.) Whoever shall, without lawful excuse (the proof of which shall lie on the accused), manufacture, purchase, sell, or have in his possession any prohibited fittings, shall be guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed.

(9.) The owner, agent, or master of any ship intended for the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony, who shall knowingly permit any prohibited fittings to be taken on board such ship, or to remain therein after the same have been taken on board, or who shall refuse to remove forthwith any fittings which the emigration officer shall have ordered to be removed, shall be guilty of an offence against this Ordinance, and shall be liable to the punishment hereinafter prescribed, and all such last-mentioned fittings shall, in case of such refusal as aforesaid, be seized and forfeited to the Crown as in the case of prohibited fittings.

(10.) If any such ship shall leave, or attempt to leave, the waters of the Colony without the certificate required by paragraph 4, or shall leave, or attempt to leave, the waters of the Colony, having on

board any prohibited fittings, or any fittings which the emigration officer shall have ordered to be removed, or any other fittings of a similar kind and description, in every such case the master of such ship, and the owner or agent, if proved to have sanctioned such leaving or attempting to leave, as aforesaid, shall be deemed guilty of an offence against this section, and shall be liable to the punishment hereinafter prescribed, and all such fittings shall be seized and forfeited to the Crown, whether the same be prohibited fittings or not.

(11.) If any person shall make, or attempt to make, any fraudulent use of a certificate granted under this section, or shall forge, counterfeit, alter, or erase the whole or any part thereof, or shall use, or attempt to use any spurious or fraudulent certificate, the person so offending, and every person aiding and abetting in such offence, shall be liable to the punishment hereinafter prescribed.

(12.) All cases of violation or disobedience of, or default in compliance with, the provisions of this section, may be heard and determined summarily by two Magistrates sitting together, who shall constitute a Court for this purpose: Provided that if, at the close of the investigation, the accused shall apply for a trial by jury, or the Magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court.

(13.) On conviction of such offences, the respective offenders shall be liable to the following punishments:—

(a.) For every offence against paragraphs 1, 2, 3, 8 and 9, of this section a fine not exceeding 500 dollars, and imprisonment with or without hard labour, for any term not exceeding 6 months, or either of such punishments, at the discretion of the Court;

(b.) For every offence against paragraphs 10 and 11 of this section, a fine not exceeding 1,000 dollars, and imprisonment with or without hard labour for any term not exceeding one year, or either of such punishments at the discretion of the Court;

Provided always, that where a fine shall be imposed for any offence against paragraphs 10 and 11, the Court may sentence the offender, in default of payment of such fine, to imprisonment with or without hard labour for any term not exceeding one year in lieu of such fine, and such imprisonment shall commence from the expiration of any term of imprisonment to which the offender may have been sentenced in addition to the fine.

(14.) The Supreme Court and the said Court of Magistrates shall have full power and authority to hear and determine all cases of seizure of fittings, and upon proof of the legality of the seizure, to declare the said fittings to be forfeited to the Crown, and no fittings seized under this section shall be deemed to be forfeited to the Crown, except under the sentence of one or the other of the said Courts.

(15.) Nothing in this section contained shall be deemed to affect any powers lawfully vested in a Superintendent or Inspector of Police.

(16.) Any suit or prosecution against any person for anything done in pursuance or execution or intended execution of this section shall be commenced within 3 months after the thing done, and not otherwise.

Notice in writing of every such suit and of the cause thereof shall be given to the intended defendant one month at least before the commencement thereof.

In any such action the defendant may answer that the act complained of was done in pursuance, or execution, or intended execution of this section, and give this section and the special matter in evidence at any trial to be had thereupon.

The plaintiff shall not recover if tender of sufficient amends is made before action brought, or if after action brought a sufficient sum of money is paid into Court by or on behalf of the defendant.

If judgment is given for the defendant, or the plaintiff becomes nonsuit, or discontinues the action after an answer has been put in, the defendant shall recover his full costs and shall have the like remedy for the same as any defendant has by law for costs in other cases.

If judgment is given for the plaintiff, he shall not have costs against the defendant unless the Judge before whom the trial is had certifies his approbation of the action.

(17.) No proceeding shall be instituted for any offence against the provisions of this section, or for any forfeiture thereunder, except at the suit or prosecution of, or with the consent of, the Attorney-General.

Rules as to Chinese Emigrant Ships.

15. In the construction of this section, if not inconsistent with the context, the following terms and expressions shall have the meanings hereinafter respectively assigned to them, that is to say :—

“Building,” in relation to a ship, shall include the doing any act towards or incidental to the construction of a ship, and all words having relation to building shall be construed accordingly :

“Equipping,” in relation to a ship, shall include the furnishing a ship with any tackle, apparel, furniture, provisions, arms, munitions, or stores, or any other thing which is used in or about a ship for the purpose of fitting or adapting her for the sea, and all words relating to equipping shall be construed accordingly ;

“Ship and equipment” shall include a ship and everything in or belonging to a ship.

(2.) No Chinese emigrant ship shall clear out or proceed to sea from this Colony unless the master of such ship shall be provided with a licence under this section.

(3.) No person shall do any of the acts hereinafter specified in paragraph 8 of this section, without a licence from the Governor, or unless the owner, agent, or master of the ship in respect of which such act shall be done shall have obtained such licence.

(4.) Every such licence shall be under the hand of the Governor and the public seal of the Colony, and the granting thereof shall be in the discretion of the Governor, and shall be subject to the payment of such fee to the Crown, and to such conditions as may, in each particular case, be prescribed by the Governor in Council.

(5.) Application for such licence shall be made in writing to the Colonial Secretary, and shall be transmitted through the emigration officer, and the owner, agent, or master of the Chinese emigrant ship in respect of which such licence is applied for, shall furnish all particulars as to the destination of the ship, and as to all matters relating to the intended voyage and emigration which may be required of him.

(6.) All such particulars shall, if so ordered, be certified upon oath before any justice of the peace, and every person who shall knowingly furnish untrue particulars shall be liable to imprisonment, with or without hard labour, for any period not exceeding 6 calendar months, and to a fine not exceeding 100 dollars, either in addition to or in substitution of such imprisonment.

(7.) If it shall appear to the satisfaction of the Governor at any time before the departure of a Chinese emigrant ship—

(a.) That the particulars furnished in relation thereto are untrue ; or

(b.) That further particulars have been discovered since the granting of the licence ; or

(c.) That any condition of the licence has been violated :

It shall be lawful for the Governor in Council to revoke or vary the licence granted under this section, in respect of such Chinese emigrant ship, and to order that the said ship be seized and detained until the said licence be delivered up to be cancelled or varied.

(8.) If any person does any of the following acts within the Colony without having obtained a licence from the Governor under this section, or without any such licence as aforesaid having been granted to the owner, agent, or master of the ship in respect of which such act shall be done, or in contravention of the terms of any such licence if granted, that is to say :—

(a.) Builds, alters, or repairs, or agrees to build, alter, or repair, or causes to be built, altered, or repaired, any ship, with intent or knowledge, or having reasonable cause to believe that the same will

be employed in the conveyance of Chinese emigrants to be embarked at any port or place out of the Colony ; or

(*b.*) Fits out, mans, navigates, equips, uses, lets, or takes on freight or hire any ship, or commands, or serves on board any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid ; or

(*c.*) Despatches, or causes or allows to be despatched, any ship, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid ; or

(*d.*) Holds or takes any share or interest in, or makes any advances of money to any ship, or becomes security for such advances, with intent or knowledge, or having reasonable cause to believe that the same will be employed in manner aforesaid ; or

(*e.*) Despatches, or causes or allows to be despatched, or commands or serves on board any ship carrying Chinese passengers, with the intent or knowledge, or having reasonable cause to believe, that such passengers are being carried, or intended to be carried, to any port or place out of the Colony, for the purpose of being conveyed therefrom as emigrants in the same or any other ship ; or

(*f.*) Being the master of a Chinese emigrant ship, clears out and proceeds to sea in such ship ;

Such person shall be deemed to have committed an offence against this section, and the following consequences shall ensue :—

(*a.*) The offender shall be liable to imprisonment, with or without hard labour, for any term not exceeding two years, and to a fine not exceeding 2,000 dollars, or to either of such punishments, at the discretion of the Court ;

(*b.*) The ship in respect of which any such offence is committed and her equipment shall, if within the waters of this Colony, be forfeited to the Crown.

(9.) Any person who aids, abets, counsels, or procures the commission of any offence against this section shall be liable to be tried and punished as a principal offender.

(10.) The Governor, upon being satisfied that there are reasonable grounds for suspecting that a ship within the waters of the Colony has been, or is being built, altered, repaired, or equipped, or is about to be despatched and taken out to sea, contrary to the provisions of this section, or that any other offence against the said provisions has been committed, rendering the said ship liable to forfeiture, may issue a warrant in the form contained in Schedule I to this Ordinance ; and upon such warrant, the said ship may be seized and searched and detained until it has either been condemned or released by process of law, or in the manner hereinafter mentioned.

(11.) Any officer so authorized to seize, search, and detain any

ship under this section may, for the purpose of enforcing such seizure, search, and detention, call to his aid any constable or officers of police, and may apply for assistance to any officer of Her Majesty's army or navy or marines, or to the harbour master, or any officer having authority by law to make seizures of ships, and may put any persons on board such ship to take charge of the same, and to enforce the provisions of this section, and any officer so authorized as aforesaid may use force, if necessary, for the purpose of enforcing such seizure, search, and detention, and if any person is killed, maimed, or hurt by reason of his resisting such officer in the execution of his duties, or any person acting under his orders, or at his request, such officer so seizing, searching, and detaining the ship, or other person, shall be freely and fully indemnified as well against the Queen's Majesty, her heirs and successors, as against all persons so killed, maimed, or hurt.

(12.) The owner of the ship seized and detained under this section, or his agent, may apply by petition to the Supreme Court for its release.

(13.) The Crown Solicitor shall, upon the seizure of any ship as aforesaid, cite the owners or their agents in the Colony by a notice which may be in the form contained in Schedule K to this Ordinance, to appear before the Supreme Court, to show cause why the said ship should not be condemned and forfeited to the Crown for breach of the provisions of this section, and in case there shall be no owner of the said ship in the Colony, nor any agent of such owner, the said notice shall be published twice in the "Gazette," and such publication shall be equivalent to personal service of the citation.

(14.) On the day appointed for the hearing of any petition for the release of the ship, or for the appearance of the owners or their agents in the Colony, in obedience to a citation to show^o cause why the same should not be forfeited, the Court shall proceed to inquire into the matter, and to make such orders as may be necessary to put the matter of the seizure and detention of the ship in course of trial between the owner and the Crown.

The Court may, if it shall think fit, direct a written statement or answer, or any additional pleading to be filed, and may, in its discretion, receive evidence orally or by affidavit, or partly orally and partly by affidavit, and may determine all questions of fact as well as of law, or may, of its own motion, or on the application of either party, direct a jury to be empanelled for the determination of any question of fact.

The Court may frame issues of law and of fact, and generally may exercise the same powers and authorities as on the trial of any other suit, cause, or matter, within its ordinary jurisdiction.

The Court may also, during or before the said proceedings, grant warrants for the entering and searching of any ship or tenement within the jurisdiction, and the seizure of any papers or documents which may be found therein respectively, or may summon any person to appear before the Court, and to produce any papers and documents, and may interrogate such persons on oath touching the subject-matter of the inquiry.

(15.) Whenever any person shall have been convicted before the Supreme Court of an offence against this section, the evidence taken upon the trial of such offender shall be received in evidence in any proceedings instituted for the forfeiture or release of the ship in respect of which such offence shall have been committed; but it shall not be necessary to take proceedings against an offender because proceedings are instituted for the forfeiture, or to take proceedings for the forfeiture because proceedings are taken against the offender.

(16.) The fact of a ship being apparently fitted and equipped, or in course of being fitted and equipped, within the waters of the Colony, for the conveyance of Chinese emigrants shall, if the owner, agent, or master shall not have obtained a licence from the Governor under this section, or under Section 5 of this Ordinance, be *prima facie* evidence that such ship is intended for the conveyance of Chinese emigrants to be embarked at some port or place out of the Colony.

(17.) If, on the hearing of the said proceedings for the forfeiture or release of a ship seized under this section, it shall be established to the satisfaction of the Court that the offence charged has not been committed in respect of such ship against the provisions of this section, rendering such ship liable to forfeiture, the ship shall be released and restored to the owners thereof or their agents.

(18.) If, on the hearing of the proceedings, it shall be established to the satisfaction of the Court that the offence charged has been committed in respect of such ship, rendering the same liable to forfeiture under this section, the Court shall declare such ship to be forfeited to the Crown.

(19.) It shall be lawful for the Court to impose such a pecuniary penalty as to the Court shall seem fit, in lieu of condemning the ship, and in such case to cause the ship to be detained until the penalty is paid, and to cause any penalty so imposed to be applied in the same manner in which the proceeds of the said ship, if condemned by order of the Court and sold, would have been applicable.

(20.) The cost of all proceedings for the forfeiture or release of a ship shall be in the discretion of the Court.

(21.) If the Court be of opinion that there was not reasonable and probable cause for the seizure or detention, and if no such cause

appear in the course of the proceedings, the Court shall have power to declare that the owner is to be indemnified by the payment of costs and damages in respect of the seizure or detention, the amount thereof to be assessed by the Court, and any amount so assessed shall be payable by the Treasury out of the general revenues of the Colony.

(22.) Every ship forfeited to the Crown for breach of the provisions of this section may be sold by public auction or private contract, and may be transferred to the purchaser by bill of sale under the hand of the Governor and the seal of the Colony, and the net proceeds of such sale shall be paid into the Colonial Treasury for the use of the Crown.

(23.) The Governor may at any time release any ship seized and detained under this section, notwithstanding her forfeiture by the sentence of the Supreme Court, on the owner or agent giving security to the satisfaction of the Governor that the ship shall not be employed contrary to this section, or may release the ship without such security, if the Governor think fit so to release the same.

(24.) Subject to the provisions of this section providing for the award of damages in certain cases in respect of the seizure or detention of a ship by the Court, no damages shall be payable, and no public officer or other person acting under his order or at his request shall be responsible, either civilly or criminally, in respect of the seizure or detention of any ships in pursuance of this section.

(25.) No proceedings, other than the issue of a warrant for the seizure of a ship, or for the apprehension of an offender, shall be instituted for any offence against the provisions of this section, except at the suit or prosecution of, or with the consent of, the Attorney-General.

PART III.—MISCELLANEOUS.

Repealing Clause.

16. The following Ordinances and sections of Ordinances are hereby repealed :—

| | | | | | |
|-----------|-------------|----|----|----|-------------|
| Ordinance | 9 of 1856* | .. | .. | .. | Section 3. |
| „ | 11 of 1857 | .. | .. | .. | The whole. |
| „ | 6 of 1859† | .. | .. | .. | „ |
| „ | 1 of 1862 | .. | .. | .. | Section 27. |
| „ | 12 of 1868‡ | .. | .. | .. | The whole. |
| „ | 4 of 1870§ | .. | .. | .. | „ |
| „ | 8 of 1871 | .. | .. | .. | „ |
| „ | 13 of 1872 | .. | .. | .. | „ |

* Vol. LVIII. Page 649.

† Vol. LVIII. Page 650.

‡ Vol. LVIII. Page 675.

§ Vol. LX, Page 61.

| | | | | | |
|-----------|------------|----|----|----|------------|
| Ordinance | 3 of 1873* | .. | .. | .. | The whole. |
| „ | 5 of 1873 | .. | .. | .. | „ |
| „ | 10 of 1873 | .. | .. | .. | „ |
| „ | 3 of 1874 | .. | .. | .. | „ |

But this repeal shall not revive any enactment repealed by any of the said Ordinances or sections, and shall not affect—

(a.) Anything duly done before this Ordinance comes into operation.

(b.) Any right acquired or liability accrued before the Ordinance comes into operation.

(c.) Any penalty, forfeiture, or other punishment incurred, or to be incurred, in respect of any offence committed before this Ordinance comes into operation.

(d.) The institution of any legal proceeding, or any other remedy for ascertaining, enforcing, or recovering any such liability, penalty, forfeiture, or punishment as aforesaid.

Forms.

17. The forms given in the Schedules hereto, or forms to the like effect, with such variations and additions as circumstances require, may be used for the purposes therein indicated, and according to the directions therein contained, and instruments in those forms shall (as regards the form thereof) be valid and sufficient.

SCHEDULES.

(A.)—*Form of Emigration Passage Broker's Annual Bond, with two Sureties to be approved by the Emigration Officer, under Section 6, paragraph 1.*

Know all men by these presents, that we *A*† *B* of, &c., *C*
D of, &c., and *E* *F* of, &c., are held and firmly bound
unto Her Most Gracious Majesty Queen Victoria, in the sum of 5,000
current dollars, to be paid to her said Majesty, her heirs and successors; to
which payment well and truly to be made we bind ourselves, and every of us
jointly and severally, our heirs, executors, and administrators, and the heirs,
executors, and administrators of each of us, and each and every of them,
firmly by these presents, sealed with our seals.

Dated this day of , in the year 18 .

WHEREAS by the “Chinese Emigration Consolidation Ordinance, 1874,” it is amongst other things enacted: that no person whatever shall carry on the business of a passage broker to Hong Kong, in respect of any emigrant ship, or shall be in anywise concerned in the sale or letting of passages in any such ship, unless such person, with two good and sufficient sureties to be approved of by the emigration officer, shall have previously entered into a joint and several bond to Her Majesty, her heirs and successors, in the sum of 5,000 current dollars:

* Vol. LXV. Page 793.

† Insert personal and family names in full, with the occupation and address of each of the parties.

Now the condition of this obligation is, that if the above-bounden *A.B.* shall well and truly observe and comply with all the requirements of the said recited Ordinance, so far as the same relate to passage brokers ; and further, shall well and truly pay all fines, forfeitures, and penalties,—and also all sums of money, by way of subsistence money, or of return passage money, and compensation to any passenger, or on his account,—and also all costs which the above-bounden *A.B.* may at any time be adjudged to pay, under or by virtue of any of the provisions of the above recited Ordinance, or of the Act of the Imperial Parliament 18th and 19th Victoria, cap. 104, intituled “An Act for the Regulation of Chinese Passenger Ships ;” then, and in such case, this obligation to be void,—otherwise to remain in full force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the presence of* _____.

A.B., of† having shown to the satisfaction of me, the Undersigned, that he hath given bond to Her Majesty, as by the “Chinese Emigration Consolidation Ordinance, 1874,” required: I, the Undersigned, do hereby license and authorize the said *A.B.* to carry on the business of a passage broker in Hong Kong in respect of passengers on board emigrant ships proceeding to Hong Kong, until the end of the present year, and 14 days afterwards, unless this licence shall be sooner determined by forfeiture for misconduct on the part of the said *A.B.* as in the aforesaid Ordinance is provided.

Given under my hand and seal this day of , 18 .
Signature, (L.S.)
Emigration Officer.

SIR,

This is to give you notice, that the licence granted on day of , 187 , to *A.B.* of † to act as emigration passage broker, was on the day of now last past duly declared by me (*or us*), the under-
signed Justice (or Justices) of the Peace to be forfeited. §

Signatures,

Place and date, 187 .
To the Emigration Officer,
Victoria, Hong Kong.

(D).—*Form of Contract Passage Ticket, under Section 6, paragraph 5.*

I hereby engage that the Chinese named at foot hereof shall be provided with a passage to, and shall be landed at, the port of _____ in _____

* Insert the names and addresses in full of the witnesses.

† The personal and family names in full of the person applying for the licence, with his address and trade or occupation, must be correctly inserted.

‡ The personal and family names in full, with the address and trade or occupation of the party, to be here inserted.

§ Here state severally the reasons of forfeiture.

in the ship or vessel called the “ _____ ,” with not less than 72 cubic feet and 12 superficial feet for berth accommodation (or in case of ship under Section 8, 54 cubic feet and 9 superficial feet), and shall be victualled according to Schedule A to “The Chinese Passengers Act, 1855,” annexed during the voyage, and the term of detention at any place before its determination, for the sum of _____ dollars, and I hereby acknowledge to have received the sum of _____ dollars in full payment.

| Name and surname of passenger. | Male. | Female. | Occupation. | Native place, village and district. |
|-----------------------------------|-------|---------|-------------|--|
| | Age. | Age. | | |
| | | | | |

Signature,

Passage Broker.

Victoria, Hong Kong, the _____ day of _____, 187 .

I hereby certify that I have explained and registered the above contract passage ticket.

Signature,

Emigration Officer.

Victoria, Hong Kong, the _____ day of _____, 187 .

(E.)—*Regulations referred to in Paragraph 1 of Section 8 respecting Chinese Passenger Ships.*

1. No ship shall clear out or proceed to sea unless the master thereof shall have received from an emigration officer a copy of these regulations and a certificate in the form contained in the Schedule G annexed thereto, nor until the master shall have entered into the bond prescribed by Section 4 of “The Chinese Passengers Act, 1855.”

2. No emigration officer shall be bound to give such certificate till 7 days after receiving an application in writing for the same from the owners or charterers of the ship, or if absent, from their respective agents, specifying the name of the ship, her tonnage, the port of destination, the proposed day of departure, the number of passengers intended to be carried, and whether such passengers or any of them are under contracts of service.

3. After receiving such application, the emigration officer and any person authorized by him in that behalf shall be at liberty at all times to enter and inspect the ship, and the fittings, provisions, and stores therein, and any person impeding such entry or inspection, or refusing to allow of the same, shall be liable to a fine not exceeding 100 dollars for each offence.

4. The following conditions as to the accommodation of passengers shall be observed to the satisfaction of the emigration officer :—

(1.) The space appropriated to the passengers between decks shall be properly ventilated, and shall contain at the least 9 superficial and 54 cubical feet of space for every adult on board ; that is to say, for every passenger above 12 years of age, and for every two passengers between the ages of 1 and 12 years. The height between decks shall be at least 6 feet.

(2.) The accommodation for female passengers between decks shall be separate from that provided for male passengers.

(3.) A space of 4 superficial feet per adult shall be left clear on the upper deck for the use of the passengers.

(4.) A reasonable space shall be set apart properly divided and fitted up as a sick bay, and sufficient latrines, both as to condition and number, shall be provided in suitable parts of the ship.

5. The emigration officer may, in his discretion, permit deck passengers to be carried, upon such conditions as may, from time to time, be prescribed under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, upon the conditions following:—

(1.) A suitable awning with screens shall be provided on deck, sufficient for the protection of the passengers from the sun and from rain.

(2.) The space appropriated to such deck passengers shall contain at the least 16 superficial feet for every adult, that is to say, for every passenger above 12 years of age, and for every two passengers between the ages of one and 12.

(3.) In case deck passengers shall be carried in addition to other passengers for whom accommodation between decks shall be provided, the space to be appropriated for deck passengers shall be reckoned exclusively of the space of 4 superficial feet per adult required to be left clear on the upper deck for the use of such other passengers.

6. The following conditions as to provisions shall be observed to the satisfaction of the emigration officer:—

(1.) Provisions, fuel, and water shall be placed on board of good quality, properly packed and sufficient for the use and consumption of the passengers, over and above the victualling of the crew during the intended voyage, according to the following scale:—

For every passenger per diem:—

| | | | | | |
|---|----|----|----|---------------|-----------|
| Rice or bread stuffs | .. | .. | .. | Not less than | 1½ lbs. |
| Dried or [and] salt fish | .. | .. | .. | „ | 0½ lb. |
| Chinese condiments and curry stuff | .. | | | „ | 1 oz. |
| Fresh vegetables, which will keep for short voyages, such as sweet potatoes, turnips, carrots, and pumpkins | .. | | | „ | 1½ lbs. |
| Firewood | .. | .. | .. | „ | 2 „ |
| Water (to be carried in tanks or sweet casks) | .. | .. | .. | „ | 1 gallon. |

(2.) The last preceding condition as to provisions shall be deemed to have been complied with, in any case where by the special authority of the emigration officer, any other articles of food shall have been substituted for the articles enumerated in the foregoing scale, as being equivalent thereto.

(3.) The passengers may supply their own provisions for the voyage and proper accommodation for the stowage, and sufficient cabooses for the cooking of such provisions must be allowed.

7. The emigration officer shall not give his certificate unless he shall be satisfied:—

(1.) That the ship is seaworthy, and properly manned, equipped, fitted, and ventilated; and has not on board any cargo likely, from its quality, quantity, or mode of stowage, to prejudice the health or safety of the passengers.

(2.) That suitable medicines and medical stores, provisions, fuel, and water have been placed on board, of good quality, properly packed and sufficient in quantity to supply the passengers on board during the intended voyage.

(3.) That all requirements of Section 8 of this Ordinance have been complied with.

8. The emigration officer may, in his discretion (subject in Hong Kong to an appeal to the Governor), withhold his certificate in all cases where the intended passengers or any of them are under contracts of service, and he shall in no case give his certificate until he shall have mustered the passengers, and have ascertained to the best of his power that they understand whither they are going, and in case they shall have made any contracts of service that they comprehend the nature thereof; he shall also take care that a copy of the form of any such contracts, or an abstract of their substance, signed by himself, is appended to the said certificate: if any of the passengers are in bad health, or insufficiently provided with clothing, or if any such contracts are unfair, or if there is reason to suspect that fraud or violence has been practised in their collection or embarkation, he may detain the ship, and, if he shall think fit, may order all or any of the passengers to be relanded.

9. The emigration officer may, if he shall think fit, before granting his certificate, employ any duly qualified medical practitioner, master mariner, marine surveyor, or other person whose professional assistance and advice he may require for the purpose of ascertaining whether the requirements of Section 8 of this Ordinance have been duly complied with, and the costs and charges of obtaining such assistance and advice shall be defrayed by the owners or charterers of the ship, whether the emigration officer shall grant his certificate or not.

10. The emigration officer shall, from time to time, fix a reasonable scale of fees and charges to be approved by one of Her Majesty's Principal Secretaries of State for the remuneration of any professional persons who may be employed by him under the last preceding regulation, and pending the approval or disapproval of such scale, the fees and charges therein specified shall be payable, as if the same had been approved in manner aforesaid.

11. The owners or charterers of every ship shall pay such fees for the remuneration of the emigration officer as may, from time to time, be ordered under instructions from one of Her Majesty's Principal Secretaries of State, and until and subject to such instructions, the following fees shall be payable in addition to all fees chargeable under Regulation 10:—

| | Dollars. |
|--|----------|
| Upon the application for a certificate | 25 |
| Upon the granting of the certificate.. .. . | 25 |

Provided always that no fees shall be payable to the emigration officer of Hong Kong, but in lieu thereof the following stamp duties are hereby imposed, that is to say:—

| | Dollar. |
|--|---------|
| Upon every application for a certificate under Article 2 of the Regulations contained in Schedule B of the said Ordinance, a stamp duty of | 1 |
| Upon every certificate granted under Article 1 of the said Regulations, a stamp duty of | 1 |

And "The Stamp (Amendment) Ordinance, 1868," shall be read as if the stamp duties hereby imposed were inserted in the Schedule thereof.

12. In case default shall be made by the owners or charterers of the ship in the payment of any fees and charges to which they may be liable under Section 8 of this Ordinance, the ship may be detained by the British Consul, or if in Hong Kong by the Governor, until such fees and charges shall have been paid.

13. The emigration officer may withhold his certificate or revoke the same at any time before the departure of the ship, if it shall appear to his satisfaction

that any particulars contained in the application in writing which shall have been made for the same or any other particulars which may have been furnished to him by or on behalf of the owners, charterers, or master of the ship in relation thereto, are untrue, and that the conditions of Section 8 of this Ordinance have not been complied with; and in every such case it shall be lawful for the British Consul, or if in Hong Kong for the Governor, to seize and detain the ship until the certificate, if already granted, shall have been delivered up to be cancelled.

14. The master of every British ship shall, during the whole of the intended voyage, make issue of provisions, fuel, and water, according to the aforesaid dietary scale, to all the passengers except such as shall have supplied themselves therewith, and shall not make any alteration except for the manifest advantage of the passengers, in respect of the space allotted to them as aforesaid, or in respect of the means of ventilation, and shall not ill-use the passengers, or require them (except in case of necessity) to help in working the vessel; and shall issue medicines and medical comforts, as shall be requisite, to the best of his judgment, and shall call at such ports as may be mentioned in the emigration officer's clear certificate for fresh water and other necessities; and shall carry the passengers without unnecessary delay to the destination to which they have contracted to proceed.

15. The master of every British ship shall, within 24 hours after his arrival at the port of destination and at any port of call, produce his emigration papers to the British Consul (if any) at such port, or in case such port shall be in Her Majesty's dominions, to any officer appointed or authorized by the local government in that behalf. It shall be lawful for such Consul or other officer to enter and inspect such ship, and in case the master shall obstruct or refuse to assist him in the discharge of such duty, or shall without reasonable cause fail to produce his emigration papers as aforesaid, he shall be liable to a fine of 500 dollars, and the ship may be detained by the British Consul, or if in Her Majesty's dominions by the local government, until such fine shall have been paid and the emigration papers shall have been given up.

16. In all ports and places where no emigration officer shall have been appointed, the British Consul shall, until such appointment, and at all times pending the vacancy of such office, be deemed to be the emigration officer for the purposes of these Regulations.

(F.)—*Under Section 8, Paragraph 2.*

FOR STEAMERS

Whose steam-power shall be sufficient without the aid of sails to propel them at the rate of 5 statute miles in the hour.

Voyages from Hong Kong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

| | |
|--------------------------|----------|
| Calcutta. | Labuan. |
| Pegu. | Sarawak. |
| Sumatra. | Manila. |
| Java. | Bangkok. |
| The Straits Settlements. | Japan. |

FOR SAILING VESSELS.

Voyages from Hong Kong, Swatow, Amoy, Foochow, Ningpo, Shanghai, and any port in Formosa, to—

From October to March, both
inclusive.

Sumatra.

Java.

The Straits Settlements.

Labuan.

Manila.

Bangkok.

From April to September, both
inclusive.

Labuan.

Manila.

Bangkok.

(G.)—*Emigration Officer's Certificate, under Section 8.*

I, [A.B.] &c., Emigration Officer at the port of _____ do hereby certify
as follows :—

1. That the Chinese passenger ship _____, A.B., Master, of the port
of _____ is within the provisions of Section 8 of an Ordinance of the
Legislature of Hong Kong, intituled "The Chinese Emigration Consolidation
Ordinance, 1874," and that the said ship is authorized to proceed to sea from
the port of _____ for the port of _____.

2. That the said ship is authorized to carry _____ adults and that there
are on board _____ passengers [*if any are deck passengers add : of whom*
are deck passengers], making in all _____ adults, namely : _____ men,
_____ women, _____ male children, _____ female children, such children
being between the age of 1 and 12 years.

3. That the space set apart and to be kept clear for the use of such
passengers is as follows : On the upper deck _____ superficial feet being
[*describe space*] and in the between decks _____ superficial feet being [*describe*
space].

4. That the ship is seaworthy, and properly manned, equipped, fitted, and
ventilated ; and has not on board any cargo likely, from its quality, quantity, or
mode of stowage to prejudice the health or safety of the passengers. The means
of ventilating the passengers' accommodation between decks are as follows :
[*describe means*].

5. That suitable medicines and medical stores, provisions, fuel, and water
have been placed on board of good quality properly packed and sufficient in
quantity to supply the passengers on board during the intended voyage.

6. That all the conditions and requirements of the said section have been duly
complied with.

7. That the aforesaid passengers [*or in case of a part only, state the number*]
are emigrants under contracts of service, and that I have inspected the contracts
between them and their intended employers (the terms of which are annexed to
this certificate) and consider them reasonable ; and that no fraud appears to
have been practised in collecting such emigrants.

8. That the master of the ship is to put into _____ for water and fresh
vegetables.

A. B., *Emigration Officer at the Port of* _____.

Dated _____, the _____ of _____ 187 _____.

N.B.—Where none of the passengers are emigrants under contracts of service
the following paragraph shall be substituted for paragraph 7 :—

"7. That the whole of the said passengers are free passengers under no con-
tract of service whatever."

(H.)—*Emigration Officer's Certificate, under Section 14.*

I, [A.B.], Emigration Officer of Hong Kong, do hereby certify that I have

inspected the fittings of the ship “ ,” of which is master, bound for , and that there are no prohibited or objectionable fittings on board.

A. B.

Dated at Hong Kong, the day of , 187 .

(I.)—*Form of Warrant, under Paragraph 10 of Section 15.*

(Hong Kong to wit.)

To

Whereas it has been made to appear to my satisfaction that there are reasonable grounds for suspecting that an offence has been committed against the provisions of the above section in respect of the ship “ ,” now lying in the waters of this Colony, rendering the said ship liable to forfeiture :—

This is therefore to command you in Her Majesty’s name forthwith to seize the said ship wherever she may be lying within the waters of this Colony, and to search the said ship and her equipment, and to detain the same in your charge and custody until the forfeiture or release thereof, according to law, for which this shall be your warrant.

Given under my hand and seal of the Colony, this day of in the year of our Lord, 187 .

(L.S.)

Governor and Commander-in-Chief, &c.

(K.)—*Form of Citation, under Paragraph 13 of Section 15.*

IN THE SUPREME COURT OF HONG KONG.

The day of , 187 .
In re the “ .”

Take notice that under and in pursuance of “The Chinese Emigration Consolidation Ordinance, 1874,” you are hereby cited to appear before the Supreme Court on the day of , to show cause why the above-named ship and her equipment should not be forfeited to the Crown for breach of the provisions of the said Ordinance.

To the Owners of the ship “ ,” or their Agents.

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, to control Recruiting in the Colony of Hong Kong, for the Service of Foreign States.

[No. 7.]

[November 16, 1874.]

WHEREAS it is expedient that the Governor in Council should exercise full control over recruiting in this Colony for the service of foreign States: Be it enacted by the Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows :

1. This Ordinance may be cited for all purposes as “The Foreign Recruiting Ordinance, 1874,” and shall come into force on the passing thereof.

2. In this Ordinance "foreign State" includes any person or persons exercising or assuming to exercise the powers of Government in or over any country, colony, province, or people beyond the limits of this Colony.

3. If any person is, within the limits of this Colony, obtaining or attempting to obtain recruits for the service of any foreign State in any capacity, the Governor in Council may, by order in writing, signed by the Colonial Secretary, either prohibit such person from so doing, or permit him to do so subject to any conditions which the Governor in Council thinks fit to impose.

4. The Governor in Council may, from time to time, by General Order notified in the "Government Gazette," either prohibit recruiting for the service of any foreign State, or impose upon such recruiting any conditions which he thinks fit.

5. The Governor in Council may rescind or vary any order made under this Ordinance in such manner as he thinks fit.

6. Whoever, in violation of the prohibition of the Governor in Council, or of any condition subject to which permission to recruit may have been accorded,—

(a.) Induces or attempts to induce any person to accept or agree to accept, or to proceed to any place with a view to obtaining any commission or employment in the service of any foreign State; or

(b.) Knowingly aids in the engagement of any person so induced, by forwarding or conveying him, or by advancing money, or in any other way whatever,—

shall be liable to imprisonment for any period not exceeding 7 years, or to fine to such amount as the Court thinks fit, or to both.

7. Any offender against this Ordinance shall be tried before the Supreme Court.

ORDINANCE of the Governor of Hong Kong, with the advice of the Legislative Council thereof, for the better Protection of Chinese Women and Female Children, and for the Repression of certain Abuses in relation to Chinese Emigration.

[No. 2.]

[March 18, 1875.]

WHEREAS it is expedient to make better provision for the punishment of persons guilty of selling, purchasing, or decoying into the Colony, or unlawfully detaining therein, Chinese women and female children for the purpose of prostitution, and of decoying Chinese into or away from this Colony for the purpose of emigration, or for any other purposes whatsoever: Be it enacted by the

Governor of Hong Kong, with the advice of the Legislative Council thereof, as follows:

1. The Ordinance No. 6 of 1873* is hereby repealed, but such repeal shall not affect—

(1.) Any punishment incurred or to be incurred for any offence committed before this Ordinance comes into operation.

(2.) Any proceedings for enforcing such punishment or prosecuting the offender; and all such proceedings may be had and taken as if the said Ordinance were still in force.

2. Whosoever shall bring, lead, take, decoy, or entice into the Colony any woman or female child with intent to sell her for the purpose of prostitution, or shall sell or purchase any woman or female child for the purpose aforesaid, or shall knowingly derive any profit from the sale or purchase of any woman or female child so sold or purchased as aforesaid, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

3. Whosoever shall bring, lead, take, decoy, or entice into the Colony any woman or female child knowing that such woman or female child has been sold or purchased for the purpose of prostitution, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

4. Whosoever shall detain any woman or female child in any place against her will with the intent that she may become a prostitute, or for any other purpose whatsoever, or shall by any false pretences, false representations, or other fraudulent means, procure any woman or female child to have illicit carnal connection with any man, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

5. Whosoever shall receive or harbour any woman or female child with intent that such woman or female child should be sold or purchased for the purpose of prostitution shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

6. Whosoever shall receive or harbour any woman or female child, knowing that such woman or female child has been sold or purchased, whether within the Colony or elsewhere, for the purpose of prostitution, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

7. Whosoever shall, by force or fraud, imprison or detain any person within the Colony for the purpose of emigration, or for any other purpose whatsoever, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

8. Whosoever shall by force, intimidation, or any fraudulent means bring, lead, take, decoy, or entice any person into or away from the Colony, for the purpose of emigration, or for any other purpose whatsoever, shall be guilty of a misdemeanour, and on conviction thereof shall be liable to the punishments hereinafter provided.

9. Every person who shall be convicted of any offence against the provisions of this Ordinance shall be liable to be imprisoned for any term not exceeding two years, with or without hard labour.

10. All offences against this Ordinance may be heard and determined summarily by two magistrates sitting together, who shall constitute a Court for this purpose: Provided that, if at the close of the investigation the accused shall apply for a trial by jury, or the magistrates shall be of opinion that the case ought to be so tried, they may commit the accused for trial at the Supreme Court.

11. The provisions of Section 66 of Ordinance No. 4 of 1865, shall apply to every summary conviction under this Ordinance.

12. Whenever any person shall be convicted before the Supreme Court of any offence against the provisions of this Ordinance, if it shall be proved that the offender has been previously convicted, either before the Supreme Court or before two magistrates sitting together, of an offence under the same or any other section of this Ordinance, it shall be lawful for the Court, in its discretion, to direct that, in addition to the punishment hereinbefore prescribed, the offender, if a male, be once, twice, or thrice publicly or privately whipped, subject to the provisions contained in Section 1 of Ordinance No. 3 of 1868; and all the provisions of Section 94 of Ordinance No. 7 of 1865 relating to the form of information for a subsequent offence and proceedings thereon, shall apply to offences punishable under this Ordinance.

AUSTRIAN NOTE respecting Affairs in Bosnia and the Herzegovina.—Buda-Pesth, December 30, 1875.*

Count Andrassy to Count Beust.—(Communicated to the Earl of Derby by Count Beust, January 3, 1876.)

Buda-Pesth, le 30 Décembre, 1875.

Dès l'origine des troubles de l'Herzégovine, les Cabinets Européens intéressés à la paix générale ont dû fixer leurs regards sur des événements qui menaçaient de la mettre en péril.

* Laid before Parliament, with "Correspondence respecting Affairs in Bosnia and the Herzegovina," in 1876.

Les 3 Cours d'Autriche-Hongrie, de Russie, et d'Allemagne, après avoir échangé leurs vues à cet égard, se sont unies pour employer en commun leurs efforts d'apaisement.

Ce but semblait trop conforme au vœu général pour qu'invités à s'y associer par l'organe de leurs Représentants à Constantinople, les autres Cabinets ne se soient pas empressés de joindre leurs efforts aux nôtres.

Les Puissances se sont mises d'accord pour user de toute l'influence dont elles disposent, afin de localiser le conflit et d'en diminuer les dangers et les calamités en empêchant la Serbie et le Monténégro de participer au mouvement.

Leur langage a été d'autant plus efficace qu'il a été identique, et a, par conséquent, témoigné de la ferme volonté de l'Europe de ne point permettre que la paix générale fût mise en péril par des entraînements irréfléchis.

Les Cabinets ont en outre offert au Gouvernement Turc les bons offices de leurs Agents Consulaires pour concourir à l'apaisement de l'insurrection. En poursuivant cette tâche, ils ont eu soin également d'éviter toute ingérence et de ménager la dignité, les droits, et l'autorité du Souverain.

Les Délégués ne devaient pas s'ériger en commission d'enquête ni se faire les avocats des vœux des populations insurgées. Ils avaient pour mission de leur ôter toute illusion quant à une assistance du dehors, et de les exhorter à se disperser, après avoir exposé leurs vœux et leurs griefs. Les Puissances se réservaient seulement de soutenir auprès du Gouvernement Turc celles des demandes des insurgés qui seraient trouvées légitimes; cette action conciliante des Cabinets attestait suffisamment l'intention amicale qui avait présidé à leurs bons offices. Elle témoignait qu'à leurs yeux il y avait une solidarité complète dans les intérêts de l'Europe, de la Porte, et des populations insurgées, afin de mettre un terme à une lutte ruineuse et sanglante et d'en prévenir le retour par des réformes sérieuses et des améliorations efficaces de nature à concilier les besoins réels du pays avec les légitimes exigences de l'autorité.

Tel est en peu de mots l'historique de l'action exercée par les Puissances depuis que l'insurrection a éclaté.

Les Cabinets ont été jusqu'à ce jour guidés surtout par le désir d'éviter tout ce qui eût pu être interprété comme une ingérence prématurée de l'Europe.

Dans cet ordre d'idées tous les Cabinets se sont bornés à conseiller au Gouvernement du Sultan de ne pas s'en tenir aux seules mesures militaires, mais de s'attacher à combattre le mal par des moyens moraux destinés à prévenir des perturbations futures.

En agissant ainsi les Cabinets avaient en vue de fournir à la Sublime Porte l'appui moral dont elle avait besoin, et de lui donner

en outre le temps de pacifier les esprits dans les Provinces soulevées, espérant que tout danger d'une complication ultérieure se trouverait ainsi écarté.

Malheureusement leurs espérances ont été déçues. D'un côté, les réformes publiées par la Porte ne semblent pas avoir eu en vue l'apaisement des populations des Provinces insurgées, ni être suffisantes pour atteindre ce but essentiel. De l'autre, les armes Turques n'ont pas réussi à mettre fin à l'insurrection.

Dans ces circonstances nous croyons que le moment est venu pour les Puissances de convenir d'une marche à suivre en commun, afin d'empêcher que le mouvement en se prolongeant ne finisse par compromettre la paix de l'Europe.

De même que les autres Puissances nous avons applaudi aux bienveillantes intentions qui ont inspirés les récents manifestes du Sultan, l'Iradé du 2 Octobre et le Firman du 12 Décembre contiennent une série de principes destinés à introduire des réformes dans l'organisation de l'Europe Ottoman. Il y a lieu de croire que ces principes, s'ils sont traduits en dispositions législatives sagement conçues, et si surtout leur mise en pratique correspond pleinement aux vues éclairées qui les ont dictés, apporteront de sérieuses améliorations dans l'administration de la Turquie.

Nous ne pouvons nous dissimuler toutefois que les réformes annoncées ne sauraient, à elles seules, avoir pour effet d'arrêter, même momentanément, l'effusion du sang dans l'Herzégovine et la Bosnie, ni à plus forte raison d'asseoir sur des bases solides le repos futur de ces parties du territoire Ottoman.

En effet, si l'on examine le contenu de l'Iradé du 2 Octobre et du Firman du 12 Décembre, on ne peut s'empêcher de reconnaître que la Sublime Porte semble s'être préoccupée plus de principes généraux qui, lorsqu'ils auront été précisés, pourront servir de bases à l'administration de l'Empire, que de la pacification des Provinces aujourd'hui soulevées.

Or, il est de l'intérêt du Gouvernement Ottoman que la pacification soit assurée avant tout ; car tant qu'elle ne sera pas obtenu, il serait impossible de mettre en vigueur les principes même que la Porte a proclamés.

D'un autre côté, l'état d'anarchie qui sévit dans les Provinces nord-ouest de la Turquie n'implique pas seulement des difficultés pour la Sublime Porte, il recèle aussi de graves dangers pour la paix générale, et les divers États Européens ne sauraient voir d'un œil indifférent se perpétuer et s'aggraver une situation qui, dès à présent, pèse lourdement sur le commerce et l'industrie, et qui, en ébranlant chaque jour davantage la confiance du public dans la conservation de la paix, tend à compromettre tous les intérêts.

Aussi croyons-nous remplir un devoir impérieux en appelant la

sérieuse attention des Puissances Garantes sur la nécessité de recommander à la Sublime Porte de compléter son action par telles mesures qui paraissent indispensables pour rétablir l'ordre et la tranquillité dans les Provinces ravagées en ce moment par le fléau de la guerre civile.

A la suite d'un échange confidentiel d'idées qui a eu lieu entre nous et les Cabinets de St. Pétersbourg et de Berlin, il a été reconnu que ces mesures doivent être recherchées dans une double direction. D'abord sur le terrain moral, et en second lieu sur le terrain matériel.

En effet, l'état matériel même des habitants Chrétiens de la Bosnie et de l'Herzégovine est dû, en dernière analyse, à leur position sociale et morale.

En examinant les causes fondamentales de la situation pénible où l'Herzégovine et la Bosnie se débattent depuis tant d'années, on est frappé tout d'abord des sentiments d'inimitié et de rancune qui animent les habitants Chrétiens et Mahométans, les uns contre les autres. C'est cette disposition des esprits qui a rendu impossible à nos délégués de persuader aux Chrétiens que les autorités Turques pouvaient avoir la volonté sincère de redresser leurs griefs. Il n'est peut-être pas de contrée dans la Turquie d'Europe où l'antagonisme qui existe entre la croix et le croissant prenne des formes aussi acerbes. Cette haine fanatique et cette méfiance doivent être attribuées au voisinage de peuples de même race jouissant de la plénitude de cette liberté religieuse dont les Chrétiens de l'Herzégovine et de la Bosnie se voient privés. La comparaison incessante fait qu'ils ont le sentiment d'être courbés sous le joug d'une véritable servitude, que le nom même de *räia* semble les placer dans une position moralement inférieure à celle de leurs voisins, qu'en un mot ils se sentent esclaves.

Plus d'une fois l'Europe a eu à se préoccuper de leurs plaintes et des moyens d'y mettre un terme. Le Hatti-Houmaïoum de 1856* est un des fruits de la sollicitude des Puissances. Mais aux termes même de cet Acte, la liberté des cultes est encore limitée par des clauses qui, surtout en Bosnie et dans l'Herzégovine, sont maintenues avec une rigueur qui chaque année provoquait de nouveaux conflits. La construction des édifices consacrés au culte et à l'enseignement, l'usage des cloches, la constitution de communautés religieuses se trouvent encore assujettis dans ces Provinces à des entraves qui apparaissent aux Chrétiens comme autant de souvenirs toujours vivaces de la guerre de conquête qui ne leur font voir dans les Musulmans que des ennemis de leur foi, et perpétuent en eux l'impression qu'ils vivent sous le joug d'un esclavage qu'on a le droit et le devoir de secouer.

Le dernier Firman touche bien ce point de la liberté de religion, ainsi que l'avaient déjà fait du reste le Hatti-Chérif de 1839,* le Hatti-Houmaïoum de 1856,† et d'autres actes émanées de la Sublime Porte. Il confirme les pouvoirs dont sont investis les patriarches et autres chefs spirituels pour les affaires de leurs communautés respectives et pour le libre exercice de leurs cultes ; mais il leur assigne "pour limites les droits et autorisations qui leur ont été octroyés." Il promet aussi des facilités pour la construction des églises et des écoles, promesse qui a été plus d'une fois consignée dans des documents officiels, mais qui ne saurait tranquilliser parce que sa réalisation dépend des autorités provinciales qui, subissant la pression locale, ne pourront même les mettre à exécution, à moins que le principe ne soit hautement proclamé.

Le Firman qui vient d'être promulgué ne dépasse donc point la mesure de ce qui a été accordé par le Hatti-Houmaïoum, lequel, ainsi que je l'ai fait ressortir plus haut, entoure la liberté religieuse de restrictions qui, dans le cours de ces dernières années, ont provoqué de nombreux conflits. Rétrécies comme elles le sont, les concessions dont il s'agit ont toujours été insuffisantes pour contenter les Chrétiens. À plus forte raison en sera-t-il ainsi aujourd'hui, après les événements qui sont venu ensanglanter le pays et qui n'ont fait qu'envénimer l'antagonisme qui sépare les deux croyances. Une fois l'insurrection étouffée, l'élément Mahométan se considérant comme vainqueur, cherchera sans doute à se venger sur les Chrétiens des pertes qu'une lutte aussi violente lui a fait subir. Un état de choses qui rende possible la coexistence des populations qui viennent de se combattre avec tant d'acharnement ne pourra donc être assuré que si la religion Chrétienne est placée en droit et en fait sur un pied d'égalité complète avec l'Islamisme, que si elle est hautement reconnue et respectée et non pas tolérée, comme elle l'est aujourd'hui. C'est pourquoi les Puissances Garantes doivent selon nous non seulement demander à la Porte, mais obtenir d'elle comme première et principale concession, une liberté religieuse pleine et entière.

L'égalité devant la loi est un principe explicitement proclamé dans le Hatti-Houmaïoum et consacré par la législation. C'est sans doute pour cette raison que les actes récents du Sultan ont omis d'en faire mention.

Mais, tout en étant obligatoire en droit, ce principe n'est pas encore généralement appliqué dans tout l'Empire. De fait, le témoignage des Chrétiens contre les Musulmans est accueilli par les Tribunaux de Constantinople et de la plupart des autres grandes villes, mais dans quelques Provinces éloignées, telles que l'Herzé-

* Vol. XXXI. Page 1239.

† Vol. XLVII. Page 1363.

govine et la Bosnie, les Juges se refusent à en reconnaître la validité. Il importerait donc de prendre des mesures pratiques, pour qu'à l'avenir les Chrétiens n'aient pas à redouter des dénis de justice.

Un autre point qui appelle un remède urgent c'est le fermage des contributions. Déjà le Hatti-Chérif de 1839, en parlant de ce système, s'exprimait dans les termes suivants : " Un usage funeste subsiste encore, quoiqu'il ne puisse avoir que des conséquences désastreuses : c'est celui des concessions vénales connues sous le nom d'Iltizan. Dans ce système l'administration civile et financière d'une localité est livrée à l'arbitraire d'un seul homme, c'est-à-dire, quelquefois à la main de fer des passions les plus violentes et les plus cupides."

Et le Hatti-Houmaïoum de 1856 porte ce qui suit : " On avisera aux moyens les plus prompts et les plus énergiques de corriger les abus dans la perception des impôts, notamment des dîmes. Le système de la perception directe sera successivement et aussitôt que faire se pourra substitué au régime des fermes dans toutes les branches du revenu de l'État."

Malgré ces déclarations formelles le système du fermage est encore debout dans toute son étendue.

Aujourd'hui la Sublime Porte fait entrevoir des réformes dans cette direction, mais sans rien préciser. Le Firman du 12 Décembre qualifie de nouveau d'anormal le régime de perception des contributions actuellement en vigueur. Il ordonne de rechercher un mode d'unification des impôts. Il prescrit encore de prendre des mesures " pour prévenir l'arbitraire dans la perception de la dîme par l'intermédiaire des fermiers," mais il n'abolit pas le fermage.

Si l'on veut donc enlever à l'insurrection un aliment essentiel et incessant, l'un des points qu'il faut demander à la Porte, c'est qu'elle émette la déclaration nette et catégorique que le régime du fermage des contributions est supprimé, non seulement de droit mais de fait, pour la Bosnie et l'Herzégovine, et il faut que cette mesure reçoive une application immédiate.

Une des causes qui aggravent encore le fardeau matériellement, déjà si lourd, des impôts en Bosnie et dans l'Herzégovine, c'est que les habitants se croient exploités financièrement au profit du centre. Ils ont la conviction que le rendement des contributions n'est point consacré à subvenir aux nécessités de la Province elle-même, mais que le total des sommes recueillies est immédiatement dirigé sur Constantinople pour être employé à l'usage du Gouvernement Central.

Il serait donc nécessaire d'alléger moralement le poids des charges que la Province a à supporter, en obtenant que, sans préjudice de ce qu'exigent les dépenses de l'Empire, une partie du produit des taxes payées par la Province soit réservée à des destinations profitables à ses propres intérêts.

Dans ce but la Porte devrait déclarer que le revenu des contributions indirectes serait, comme par le passé, affecté aux besoins de l'Empire tout entier, mais que les fonds provenant des contributions directes resteraient dans la Province et seraient exclusivement appliqués dans son intérêt, à féconder ses ressources et à augmenter son bien-être.

L'exécution de cette disposition devrait être placée sous le contrôle de la Commission Élective dont il va être question dans le cours de ce travail.

La triste condition des Chrétiens de la Bosnie et de l'Herzégovine tient en grande partie à la nature des rapports qui existent entre la population des campagnes et les propriétaires fonciers. Les difficultés agraires ont toujours eu un caractère tout particulier d'aigreur dans les pays où la classe des propriétaires diffère, soit par la religion, soit par la nationalité, de la masse des cultivateurs. On n'a que trop d'exemples des luttes passionnées qui ont été la conséquence d'une situation pareille.

Dans les Provinces dont nous nous occupons la presque totalité des terres qui n'appartiennent pas à l'État ou aux mosquées se trouve entre les mains des Musulmans, tandis que la classe agricole se compose de Chrétiens des deux rites. La question agraire s'y complique donc de l'antagonisme religieux.

Après la répression de la première insurrection des Cegs de Bosnie en 1851, le servage a été aboli ; mais ainsi qu'il arrive souvent en pareil cas, cette mesure, au lieu d'alléger la condition des paysans, n'a fait que l'aggraver. Ils ne sont plus traités par ceux-ci avec les mêmes ménagements qu'autrefois. Aujourd'hui il n'y a plus en présence que deux intérêts et deux religions antagonistes. À partir du moment où la disparition du régime féodal est venu transformer les anciens serfs en fermiers ou métayers, les pratiques excessives des propriétaires ont provoqué de nombreux soulèvements partiels ou généraux. Un mouvement de ce genre ayant éclaté en 1858 dans le nord de la Bosnie, la Porte s'est trouvée amenée à s'occuper des contestations qui y avaient donné lieu. Des délégués des deux parties furent mandés à Constantinople, et après de longs pourparlers, dans lesquels l'intercession officieuse de l'Internonce de Sa Majesté l'Empereur et Roi eut sa part, un Firman du Sultan fut obtenu dont les dispositions semblèrent à cette époque propres à concilier assez heureusement les intérêts des agriculteurs fonciers. Toutefois ce Firman n'a jamais été mis en vigueur.

Il y aurait lieu d'examiner si quelques unes des dispositions de ce document ne pourraient pas aujourd'hui encore servir de point de départ à un arrangement équitable, apte à améliorer la condition de la population rurale, ou s'il conviendrait de faire intervenir le trésor public pour faciliter l'exécution des mesures à prendre dans

ce but, à l'instar de ce qui a eu lieu, il y a une vingtaine d'années, en Bulgarie, où les charges foncières ont été rachetées au moyen de l'émission de titres publics dits *sekims*. Nous sentons que la tâche est difficile et que son accomplissement ne saurait être l'œuvre d'un jour ; mais nous croyons qu'il est important d'y travailler, afin d'améliorer le sort de la population rurale dans la Bosnie et l'Herzégovine, et de fermer ainsi une des plaies béantes de l'état social de ces Provinces. Il ne nous paraîtrait pas impossible de trouver une combinaison qui permît graduellement aux paysans de se rendre acquéreurs, à des conditions peu onéreuses, de parcelles de terrains incultes que l'état mettait en vente. Tout en continuant, s'ils le désiraient, à cultiver à titre de fermiers les propriétés de leurs compatriotes Musulmans, ils arriveraient successivement à posséder eux-mêmes un petit immeuble qui leur assurerait une certaine indépendance, et les mettrait à l'ordre de leurs exactions.

Si l'on songe au peu de créance que rencontrent auprès des populations Chrétiennes les promesses de la Sublime Porte, on ne peut se dissimuler que les réformes promulguées ne pourront inspirer la confiance nécessaire qu'à condition que l'on crée en même temps une institution propre à offrir une certaine garantie que ces réformes seront sérieusement appliquées. En se bornant à remettre leur exécution à la discrétion des Gouvernements de la Province, on ne parviendrait pas à surmonter la méfiance dont je parle. Il y aurait donc lieu d'établir une Commission de notables du pays, composée par moitié de Musulmans et de Chrétiens, et élue par les habitants de la Province suivant un mode qui serait déterminé par la Sublime Porte.

Je viens d'exposer les points dont il faudrait obtenir l'application aux Provinces soulevées pour pouvoir se livrer à l'espoir fondé d'une pacification.

Ces points, les voici :

La liberté religieuse, pleine et entière ;

L'abolition du fermage des impôts ;

Une loi qui garantisse que le produit des contributions directes de la Bosnie et de l'Herzégovine soit employé dans l'intérêt de la Province même, sous le contrôle des organes constituées dans le sens du Firman du 12 Décembre ;

L'institution d'une Commission Spéciale, composée en nombre égal de Musulmans et de Chrétiens, pour contrôler l'exécution des réformes proposées par les Puissances, ainsi que de celles qui ont été proclamées dans l'Iradé du 2 Octobre, et dans le Firman du 12 Décembre ;

Enfin l'amélioration de la situation agraire des populations rurales.

Les premiers points pourraient et devraient être réalisés immé-

diatement par la Sublime Porte, le cinquième graduellement aussitôt que faire se pourra.

Si indépendamment de ces concessions, qui nous paraissent les plus essentielles, la Bosnie et l'Herzégovine obtiennent encore les réformes suivantes indiquées dans le dernier Firman, un conseil provincial et des tribunaux librement élus par les habitants, l'inamovibilité des juges, la justice laïque, la liberté individuelle, la garantie contre le mauvais traitement, la réorganisation de la police dont les agissements ont soulevé tant de plaintes, la cessation des abus auxquels donnent lieu les prestations pour des travaux d'utilité publique, une juste réduction de la taxe d'exemption du service militaire, les garanties à donner au droit de propriété;—si toutes ces réformes dont nous demandons la communication par la Porte, pour en prendre acte solennellement, sont appliquées dans les Provinces insurgées, qui, à en juger par le texte du Firman, sembleraient ne pas devoir en bénéficier dès à présent, on pourrait espérer de voir ramener la paix dans ces contrées désolées.

Je me résume. Les promesses indéfinies de l'Iradé du 2 Octobre et du Firman du 12 Décembre ne pourront qu'exalter les aspirations sans les contenter. D'un autre côté il est à constater que les armes de la Turquie n'ont pas réussi à mettre fin à l'insurrection. L'hiver a suspendu l'action, le printemps la verra renaître. La conviction que, le printemps venu, de nouveaux éléments fortifieront l'action, que la Bulgarie, les Crétois, &c., viendront grossir le mouvement, est générale parmi les Chrétiens. Quoiqu'il en soit, il est à prévoir que les Gouvernements de Serbie et du Monténégro, qui, jusqu'à ce jour déjà, ont eu bien de la peine à se tenir à l'écart du mouvement, seront impuissants à résister au courant, et dès à présent, sous l'influence des événements et de l'opinion publique dans leurs pays, ils semblent s'être familiarisés avec l'idée de prendre part à la lutte, à la fonte des neiges.

En présence de cette situation, la tâche des Puissances, qui dans l'intérêt de la paix générale veulent écarter les complications ultérieures, devient bien difficile. L'Autriche-Hongrie et les deux autres Cours Impériales, en suite d'un échange d'idées confidentiel, se sont rencontrées dans la conviction que, si l'on se bornait à attendre l'effet des principes proclamés par le dernier Firman—principes qui d'ailleurs, dans l'intention de la Porte, ne semblent pas devoir être immédiatement appliqués aux pays soulevés, on n'obtiendrait d'autre résultat que de voir le conflit prendre une plus grande extension au sortir de l'hiver. Les 3 Cabinets pensent donc que l'unique chance d'éviter de nouvelles complications se trouve dans une manifestation émanant des Puissances et constatant leur ferme résolution d'arrêter le mouvement qui menace d'entraîner l'Orient.

Or, ce but ne saurait être atteint par le seul moyen d'une injonc-

tion à l'adresse des Gouvernements Princiers et des populations Chrétiennes sujettes du Sultan. Pour que cette action très difficile en elle-même ait une chance de réussite, il importe absolument que les Puissances soient à même d'en appeler à des actes clairs, indiscutables, pratiques, et spécialement propres à améliorer la situation de l'Herzégovine et de la Bosnie ; en un mot, que leur action puisse s'appuyer sur des faits et non sur des programmes. Ce n'est qu'ainsi que les Cabinets se trouveront en mesure de faire valoir avec vigueur leurs conseils pacifiques.

Il est une autre difficulté—et c'est la plus grande—qu'il faut surmonter à tout prix, si l'on veut pouvoir compter sur un résultat tant soit peu favorable. Cette difficulté, c'est la défiance profondément enracinée que toute promesse de la Porte rencontre auprès des Chrétiens. Une des causes principales de cette méfiance doit être recherchée dans le fait que plus d'une mesure annoncée dans les derniers rescrits du Sultan a déjà été proclamée dans des hattichérifs antérieurs sans que le sort des Chrétiens en ait éprouvé une amélioration appréciable.

Aussi les Cabinets croient-ils absolument nécessaire d'obtenir que le Gouvernement du Sultan confirme, au moyen d'une Commission officielle, ses intentions consignées par rapport à l'ensemble de l'Empire dans l'Iradé du 2 Octobre et dans le Firman du 12 Décembre, et qu'il notifie en même temps aux Puissances son acceptation des points ci-dessus mentionnés, qui ont pour objet spécial la pacification des Provinces insurgées.

Sans doute que par ce moyen les Chrétiens n'obtiendraient pas la forme de garantie qu'ils semblent réclamer en ce moment, mais ils trouveraient une sécurité relative dans le fait même que les réformes octroyées seraient reconnues indispensables par les Puissances, et que la Porte aurait pris envers l'Europe l'engagement de les mettre à exécution.

Telle est la ferme conviction sortie d'un échange d'idées préalable entre les Cabinets d'Autriche-Hongrie, de Russie, et d'Allemagne.

Votre Excellence est chargée de porter ce point de vue à la connaissance du Cabinet de St. James, et d'obtenir son concours à l'œuvre de paix dont tous nos efforts tendent à assurer le succès.

Si, comme je l'espère, les vues du Gouvernement Anglais se rencontrent avec les nôtres, nous lui proposerions par égard pour la dignité et l'indépendance de la Porte de ne point adresser à celle-ci nos conseils dans une note collective, mais de nous borner à inviter nos Représentants à Constantinople à agir conjointement et d'une manière identique auprès du Gouvernement du Sultan dans le sens que nous venons de développer.

Vous voudrez bien, M. le Comte, donner lecture de la présente

dépêche à M. le Ministre des Affaires Étrangères, et lui en laisser copie; et je vous serais reconnaissant de me faire connaître aussitôt que possible l'impression qu'elle aura faite sur son Excellence.

Recevez, &c.,

ANDRASSY.

CORRESPONDENCE between Great Britain and Portugal, rectifying an Error in the Notes exchanged on the Signature of the Commercial Treaty of July 3, 1842. ("Maneio" or "Decima Industrial" Tax.)—Lisbon, September, 1842.*

MONSIEUR LE DUC,

Cintra, September 2, 1842.

I HAVE observed in the publication of the Note addressed by your Excellency to me, declaratory of the principle according to which, in reference to Article I of the Treaty of the 3rd July, it is agreed that the appeals of British subjects to the Tribunal of the Treasury against undue assessment for "maneio" are to be regulated, that there is an error, apparently trifling in text, but which is most important as regards the principle, the text being, as printed, "casas, lojas, e armazens," whereas it should have been "ou" not "e armazens."

Although I have observed that in your Excellency's speech the explanation of this stipulation is quite correctly so given by your Excellency, yet in matters of this nature such an erratum should not be allowed to remain unnoticed or unrevised; I have, therefore, the honour, in calling your Excellency's attention to this circumstance, to request your Excellency to be so good as to take such steps as may be necessary with a view to rectifying this mistake as regards the public.

I have, &c.,

The Duke of Palmella.

HOWARD DE WALDEN.

MY LORD, (Translation) *Lisbon, Foreign Office, Sept. 9, 1842.*

IN answer to the despatch which your Lordship addressed to me on the 2nd instant, noticing a typographical error in the publication of the Note which I directed to your Excellency on the 3rd of July last, with the declaration that the maximum in which any British subject can be taxed for "maneio," or "decima industrial," shall be 20 per cent. upon the amount of his houses, shops, or warehouses, I have the honour to send your Excellency the inclosed copy of the "Diario do Governo" of to-day, which transcribes that Note with the rectification required, together with the other

Notes that we exchanged on the occasion of the signature of the Treaty of Commerce and Navigation between Portugal and Great Britain.

I avail, &c.,

Lord Howard de Walden.

DUKE DE PALMELLA.

Extract from the "Diario do Governo" of September 9, 1842.

Secretaria de Estado dos Negocios Estrangeiros.

DE novo se publicam as Notas trocadas entre o Sr. Duque de Palmella e Lord Howard de Walden, por ocasião da assignatura do Tratado de Commercio e Navegação entre Portugal e a Gram-Bretanha aos 3 de Julho de 1842, a fim de se rectificarem alguns erros typographicos commettidos na publicação que se fez das citadas Notas no No. 203 do "Diario do Governo" de 29 de Agosto de 1842.

Lisboa, 3 de Julho de 1842.

O ABAIXO ASSIGNADO, Plenipotenciario de Sua Magestade Fidelissima, tem a honra de declarar, por ordem do Governo da mesma Augusta Senhora, a Lord Howard de Walden, Plenipotenciario de Sua Magestade Britannica, em referencia ao Artigo I do Tratado de Navegação e Commercio, por ambos concluido, e assignado neste dia, entre Portugal e a Gram-Bretanha, que o maximo em que poderá ser collectado qualquer subdito Britannico por maneoio ou decima industrial será de vinte por cento sobre a renda das suas casas, lojas, ou armazens; o que servirá de regra invariavel ao Tribunal do Thesouro, quando tiver de decidir as appellações que para elle interpozerem os subditos Britannicos, na fórma do que dispõe o citado Artigo I do mesmo Tratado.

O abaixo assignado renova, &c.,

DUQUE DE PALMELLA.

(Traducção.)

(Cópia.) *Lisbon, July 3, 1842.*

THE Undersigned, Her Britannic Majesty's Plenipotentiary for the negotiation of a Treaty of Commerce and Navigation between Great Britain and Portugal, has the honour to acknowledge the receipt of the Note addressed to him by the Duke of Palmella, Her Most Faithful Majesty's Plenipotentiary, on

Lisboa, 3 de Julho de 1842.

O ABAIXO ASSIGNADO, Plenipotenciario de Sua Magestade Britannica na negociação de um Tractado de Commercio e Navegação enre a Gram-Bretanha e Portugal, tem a honra de accusar a recepção da Nota que lhe dirigira o Duque de Palmella, Plenipotenciario de Sua Magestade Fidelissima, por ocasião da

the occasion of the signature of the said Treaty on this day, declaratory of the principle according to which it is agreed that the appeals of British subjects to the Tribunal of the Treasury, provided for in Article I of the said Treaty against undue assessment for "maneio," are to be regulated as regards the highest rate to be awarded.

The Undersigned avails, &c.,

HOWARD DE WALDEN.

His Excellency the Duke of Palmella, &c.

assignatura do Tractado no dia de hoje, declarando o principio segundo o qual se convencionou que as appellações dos subditos Britannicos para o Tribunal do Thesouro (estabelecidas no Artigo I do dito Tractado contra qualquer injusto lançamento de maneo) deverão regularse, pelo que toca ao mais alto computo em que podem ser collectados.

O abaixo assignado aproveita, &c.,

HOWARD DE WALDEN.

A S. Exa. o Duque de Palmella, &c.

(Cópia.) *Lisbon, July 3, 1842.*

(Traducção.)

Lisboa, 3 de Julho de 1842.

THE Undersigned, Her Britannic Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Her Most Faithful Majesty, in conformity to the desire expressed to him on the part of the Government of Her Most Faithful Majesty by His Excellency the Duke of Palmella, Her Most Faithful Majesty's Plenipotentiary for the negotiation of a Treaty of Commerce and Navigation between Great Britain and Portugal, that the Undersigned should record distinctly, with a view to obviate all possible future doubt as to the true intent and spirit of certain points submitted to him, what the understanding is of the undermentioned Articles of the Treaty signed by them this day, as agreed to between the Duke of Palmella and the Undersigned,

O ABAIXO ASSIGNADO, Enviado Extraordinario e Ministro Plenipotenciario de Sua Magestade Britannica na Côrte de Sua Magestade Fidelissima, na conformidade do desejo que da parte do Governo de Sua Magestade Fidelissima lhe fôra expressado por S. Exa. o Duque de Palmella, Plenipotenciario de Sua Magestade Fidelissima, na negociação de um Tractado de Commercio e Navegação entre a Gram-Bretanha e Portugal, para que o abaixo assignado, a fim de obviar toda a dúvida que possa dar-se de futuro, quanto á verdadeira intenção e espirito de certos pontos a elle submettidos, especificasse com clareza, como fôra convencionado entre o Duque de Palmella e o abaixo assignado, qual é a intelligencia dos Artigos abaixo mencionados do Tractado

has the honour herewith to declare to his Excellency that—

With reference to Article V, all vessels built in the territory of Her Most Faithful Majesty, or which shall be British built, or which shall have been captured from the enemy by the ships of the Portuguese Government, and slave-vessels condemned under similar circumstances, and which shall be wholly owned by any subject or subjects of Her Most Faithful Majesty, and whereof the master and three-fourths of the mariners are subjects of Her Most Faithful Majesty, will be considered as Portuguese and will be entitled to be placed on the footing of national vessels and to be treated on an equality with the vessels of the most favoured nation, in the ports of Her Britannic Majesty, *i.e.*, in Great Britain and Ireland and the colonies hereinafter enumerated.

With reference to Article VIII, in the words “growth, produce, and manufacture,” the wines and brandies of Portugal are comprehended.

With reference to Article XIV, the jurisdiction of the Cinque Ports does not interfere with the stipulations of this Article.

With reference to Article XVII, in respect to the Declaration of Her Britannic Majesty regarding the conditional surrender of the rights connected with the Conservatorial Court, whenever the Portuguese Government shall have officially

por elles assignado no dia de hoje, tem a honra de aqui declarar a S. Exa. que—

Em referencia ao Artigo V, todas as embarcações construídas no territorio de Sua Magestade Fidelissima, ou de construção Britannica, ou que tenham sido capturados ao inimigo pelos navios do Governo Portuguez, e as embarcações negreiras condemnadas debaixo de semelhantes circunstancias, e que forem totalmente possuídas por qualquer subdito ou subditos de Sua Magestade Fidelissima, e cujo mestre e tres-quartas partes dos marinheiros sejam subditos de Sua Magestade Fidelissima, serão consideradas como Portuguezas; e terão direito a serem postas no pé de embarcações nacionaes, e a serem tractadas em igualdade com as embarcações da nação mais favorecida nos portos de Sua Magestade Britannica, isto é, na Gram-Bretanha e Irlanda, e nas Colonias abaixo designadas.

Em referencia ao Artigo VIII, nas palavras “creação, produção, e manufactura,” se comprehenderam os vinhos e agoas-ardentes de Portugal.

Em referencia ao Artigo XIV, a jurisdicção dos Cinco-Portos (Cinque Ports) não implica com as estipulações deste Artigo.

Em referencia ao Artigo XVII, quanto á declaração de Sua Magestade Britannica relativamente á desistencia condicional dos Direitos ligados ao Juizo da Conservatoria: quando o Governo Portuguez tiver communicado oficialmente ao Governo de Sua

communicated to Her Majesty's Government any law or laws establishing the guarantees in question, Her Majesty will recognize the right of the Portuguese Government to declare the further jurisdiction and authority of the British Conservatorial Court to have ceased by consent of Her Majesty.

The Colonies referred to are Canada, Newfoundland, Nova-Scotia, Cape Breton, New Brunswick, Prince Edward Island, and all other British Possessions in North America, British West Indies, including the Islands and the Possessions on the Continent of South America, Cape of Good Hope, and other Possessions in Africa, the Mauritius, the Island of Ceylon, Van Diemen's Land, New South Wales, New Zealand.

The Undersigned avails, &c.,

HOWARD DE WALDEN.

His Excellency the Duke of Palmella.

Magestade qualquer lei, ou leis, estabelecendo as garantias em questão, reconhecerá Sua Magestade no Governo Portuguez o direito de declarar que para o diante cessará por consentimento de Sua Magestade a jurisdição e authoridade do Juízo da Conservatoria Britannica.

As Colonias acima indicadas são, o Canadá, a Terra-Nova, a Nova-Escotia, o Cabo-Bretão, o Novo Brunswick, a Ilha do Principe Eduardo, e todas as outras Possessões Britannicas na America Septentrional, as Indias Occidentaes Britannicas, incluindo as Ilhas e as Possessões no Continente de America Meridional, o Cabo da Boa Esperança, e as outras Possessões na Africa, a Mauricia, a Ilha de Ceilão, a Terra de Van-Diemen, a Nova Galies do Sul, e a Nova Zelandia.

O abaixo assignado aproveita, &c.,

HOWARD DE WALDEN.

A S. Exa. o Duque de Palmella.

Lisboa, 3 de Julho de 1842.

O ABAIXO ASSIGNADO, Plenipotenciario de Sua Magestade Fidelissima, teve a honra de receber a Nota data da de hoje, que Lord Howard de Walden, Plenipotenciario de Sua Magestade Britannica, lhe entregou na occasião da assignatura por ambos feita, do Tratado de Navegação e Commercio entre Portugal e a Gram-Bretanha, ficando o abaixo assignado devidamente inteirado das declarações que S. Sa. se serviu fazerlhe quanto a diversos Artigos do referido Tratado.

O abaixo assignado reitera, &c.,

DUQUE DE PALMELLA.

*CORRESPONDENCE between Great Britain and Egypt, respecting the Suez Canal (Non-recognition of Jurisdiction claimed by French Consulate over the Canal Company).—1875.**

Major-General Stanton to the Earl of Derby.—(Rec. November 28.)

MY LORD,

Cairo, November 21, 1875.

I HAVE the honour to forward herewith to your Lordship the copy of a letter which I have recently received from Nubar Pasha, inclosing, for my information, copies of a correspondence which has taken place between the Agent of the Suez Canal Company and the Egyptian Government, with reference to the renewed pretensions of the former to be subject to the jurisdiction of the French Consulate, and to their refusal to receive official communications through the Egyptian authorities; and I beg to inform your Lordship that I have called the attention of Her Majesty's Consular officers in Egypt to this renewed pretension on the part of the Canal Company, and have desired them to pay particular attention to the directions given them in the month of July, 1872, on this subject, when, in compliance with instructions received from Her Majesty's Ambassador at Constantinople, I warned them to take no step implying a recognition of the jurisdiction of the French Consulate over the Canal Company.

I have, &c.,

The Earl of Derby.

EDWD. STANTON.

(Inclosure 1.)—Nubar Pasha to Major-General Stanton.

MON CHER CONSUL-GÉNÉRAL,

Caire, le 16 Novembre, 1875.

À LA suite des explications et des communications auxquelles a déjà donné lieu la question de juridiction récemment soulevée par la Compagnie du Canal de Suez, je crois utile de vous transmettre copie des deux dernières lettres échangées à ce sujet entre le Ministère et la Compagnie afin que vous soyez bien au courant de la situation.

Veillez, &c.,

Major-General Stanton.

NUBAR.

(Inclosure 2.)—M. Daubrée to Nubar Pasha.

M. LE MINISTRE,

Alexandrie, le 14 Octobre, 1875.

J'AI reçu la lettre que votre Excellence m'a fait l'honneur de m'adresser, sous la date du 10 de ce mois, au sujet de la transmission des actes judiciaires et extra-judiciaires par l'intermédiaire des autorités locales.

Je ne puis que confirmer entièrement la lettre que M. Lamarre a

* Laid before Parliament, with other Correspondence respecting the Suez Canal, in 1876.

eu l'honneur d'adresser, pendant mon absence, sous la date du 11 Juillet dernier, à son Excellence le Gouverneur de Suez.

Sans entrer dans la discussion même de la question, je me bornerai à rappeler à votre Excellence qu'il avait été convenu que, jusqu'à l'établissement des nouveaux Tribunaux, aucune modification ne serait apportée aux errements du passé.

Or, le fait de nous transmettre des actes judiciaires par l'intermédiaire des autorités locales, et de nous imposer de les recevoir, serait évidemment, suivant moi, une rupture au *modus vivendi*, qu'il a été mutuellement convenu de respecter. Je suis persuadé que ces explications paraîtront suffisantes à votre Excellence; j'aurai, d'ailleurs, soin de porter à la connaissance de M. le Président de la Compagnie les observations qui font l'objet de la lettre de votre Excellence.

Je prie, &c.,

Nubar Pasha.

DAUBRÉE, *l'Agent Supérieur.*

(Inclosure 3.)—Nubar Pasha to M. Daubrée.

M. L'AGENT,

Caire, le 28 Octobre, 1875.

J'AI pris connaissance de la communication que vous m'avez fait l'honneur de m'adresser le 14 Octobre courant. J'avais d'abord attribué à votre absence la lettre envoyée par M. Lamarre au Gouverneur de Suez, relativement au Tribunal dont relèverait la Compagnie du Canal; mais je vois par vos explications, M. l'Agent, que l'idée de M. Lamarre, au lieu de provenir simplement de votre absence, comme je l'avais d'abord supposé, est le résultat des instructions de la Compagnie, que vous confirmez, d'ailleurs, entièrement.

Dans un tel état de choses, M. l'Agent, je ne manquerais pas, s'il y avait lieu, de combattre la prétention à une Convention de la nature de celle dont vous parlez, et de rectifier l'erreur dans laquelle il me semble que la Compagnie est tombée.

Mais je crois que cette prétention se détruit d'elle-même, par le fait de son impossibilité, et qu'il n'y a pas lieu de la discuter.

Je me bornerai donc à constater que le refus de la Compagnie de recevoir par l'entremise des Gouvernorats les pièces judiciaires ou autres est un fait dont les conséquences, judiciairement parlant, retombent sur la Compagnie.

Quant au Gouvernement, je crois superflu de vous dire que la police exécutera toutes les sentences que les tribunaux locaux pourraient prononcer par défaut contre la Compagnie.

Veuillez, &c.,

M. Daubrée.

NUBAR.

The Earl of Derby to Major-General Stanton.

SIR,

Foreign Office, December 11, 1875.

HER Majesty's Government have had under their consideration your despatch, with its inclosures, dated the 21st ultimo, relative to the jurisdiction under which the Suez Canal Company stands in Egypt; and I now have to state to you that, in the opinion of Her Majesty's Government, the pretension of the Company to be considered a French Company, under the jurisdiction of the French Consulate, is entirely inadmissible, and opposed both to the letter and the spirit of the Contract and Firman which regulate its relations with Egypt. Article XVI of the Convention or Contract of the 22nd of February, 1866,* which is textually embodied in the Firman of the 19th of March, 1866,† clearly establishes that the Suez Canal Company is Egyptian.

It fixes the exceptional case of suits between members of the Company as subject to French law, and therefore to be tried in France; but it specifies unmistakably that all disputes in Egypt between the Company and the Egyptian Government, or between the Company and individuals, shall be judged by the local tribunals.

The Company appear to set up the argument that, because the word "Treaties" is employed in Article XVI of the Convention, by "the local tribunals" is meant the French Consulates. Her Majesty's Government cannot, however, admit that this by any means follows.

On the contrary, Her Majesty's Government maintain that any suit between the Suez Canal Company—that is to say, an Egyptian Company—and Europeans, must be tried according to the Treaties which regulate the relations of foreigners with the inhabitants of Egypt. When, in the following clause of the Convention, disputes between the Company and the Egyptian Government are provided for, it is noteworthy that no mention is made of Treaties, but that only the laws of the country are spoken of, because in that case both parties to the suit would be Egyptian.

I have, in conclusion, to acquaint you that Her Majesty's Government approve your proceedings, as reported in your above-mentioned despatch, in having, under the circumstances therein stated, again called the attention of Her Majesty's Consular Officers in Egypt to the instructions which were issued to them in the month of July, 1872, with respect to the non-recognition of any jurisdiction which might be claimed by the French Consulate over the Canal Company.

I am, &c.,

Major-General Stanton.

DERBY.

* Vol. LVI. Page 277.

† Vol. I.VI. Page 293.

VENEZUELAN DECREE, declaring the Blockade of the Coasts of the States of Cumaná and Maturin.—Carácas, April 14, 1871.

(Translation.)

I, ANTONIO GUZMAN BLANCO, Provisional President of the Republic, in virtue of the powers invested in me by the Congress of Plenipotentiaries, decree :—

ART. 1. The coasts of the States of Cumaná and Maturin, from the Port of Rio Caribe to the mouth of the Guarapiche in the Gulf of Paria, are declared to be closed and in a state of blockade.

2. In order to render effective the blockade referred to in the foregoing Article, a flotilla, composed of 1 steamer, 2 schooners, and 4 cutters ("flecheras") is for the present stationed.

3. The commanders of the blockading vessels shall proceed with respect to vessels detained for violation of the blockade, in the manner and form prescribed by the Ordinance on Cruizers of the 30th of March, 1822, it being their duty to send them under custody to the respective station ("apostadero").

4. The present Decree shall be communicated to whom necessary; and the Minister of War and Marine is charged with its publication and fulfilment.

Given at Carácas on the 14th of April, 1871, in the 8th year of the Constitution and the 13th of the Federation.

GUZMAN BLANCO.

JOSÉ IGNACIO PULIDO, *Minister of War and Marine.*

CARLOS FERRERO, *Secretary of Marine.*

*BRITISH NOTIFICATION of the Venezuelan Blockade of the Coasts of the States of Cumaná and Maturin.—London, July 6, 1871.**

Foreign Office, July 6, 1871.

IT is hereby notified that the Right Honourable Earl Granville, K.G., Her Majesty's Principal Secretary of State for Foreign Affairs, has received from Her Majesty's Chargé d'Affaires at Carácas, a copy of a Decree of the Provisional President of the Republic of Venezuela,† declaring the coasts of the States of Cumaná and Maturin, from the Port of Rio Caribe to the mouth of the Guarapiche, in the Gulf of Paria, to be in a state of blockade.

* "London Gazette," July 7, 1871.

† April 14, 1871.

LOI de la République Française, concernant les Individus nés en France d'Étrangers qui eux-mêmes y sont nés, et les Enfants des Étrangers Naturalisés.—Paris, le 7 Février, 1851.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. Est Français tout individu né en France d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité, telle qu'elle est fixée par la Loi Française, il ne réclame la qualité d'étranger par une déclaration faite, soit devant l'autorité municipale du lieu de sa résidence, soit devant les Agents Diplomatiques ou Consulaires accrédités en France par le Gouvernement étranger.

2. L'Article 9 du Code Civil est applicable aux enfants de l'étranger naturalisé, quoique nés en pays étranger, s'ils étaient mineurs lors de la naturalisation.

À l'égard des enfants nés en France ou à l'étranger, qui étaient majeurs à cette même époque, l'Article 9 du Code Civil leur est applicable dans l'année qui suivra celle de la dite naturalisation.

Délibéré en séance publique, à Paris, les 22, 29 Janvier, et 7 Février, 1851.

DUPIN, *Président.*

ARNAUD (de l'Ariège), LACAZE, CHAPOT, BÉRARD,

DE HEECKEREN, PEUPIN, *Secrétaires.*

La présente Loi sera promulguée et scellée du sceau de l'État,

LOUIS NAPOLEON BONAPARTE,

Président de la République.

E. DE ROYER, *Garde des Sceaux, Ministre de la Justice.*

LOI de la République Française, qui modifie la Loi du 7 Février, 1851, concernant les Individus nés en France d'Étrangers qui eux-mêmes y sont nés.—Versailles, le 16 Décembre, 1874.

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. L'Article 1 de la Loi du 7 Février, 1851, est ainsi modifié :

Est Français tout individu né en France d'un étranger qui lui-même y est né, à moins que, dans l'année qui suivra l'époque de sa majorité, telle qu'elle est fixée par la Loi Française, il ne réclame la qualité d'étranger par une déclaration faite, soit devant l'autorité municipale du lieu de sa résidence, soit devant les Agents Diplomatiques et Consulaires de France à l'étranger, et qu'il ne justifie avoir conservé sa nationalité d'origine par une attestation en due

forme de son Gouvernement, laquelle demeurera annexée à la déclaration.

Cette déclaration pourra être faite par procuration spéciale et authentique.

2. Les jeunes gens auxquels s'applique l'Article précédent peuvent, soit s'engager volontairement dans les armées de terre et de mer, soit contracter l'engagement conditionnel d'un an, conformément à la Loi du 27 Juillet, 1872, titre IV, section 3, soit entrer dans les écoles du Gouvernement à l'âge fixé par les lois et règlements, en déclarant qu'ils renoncent à réclamer la qualité d'étranger dans l'année qui suivra leur majorité.

Cette déclaration ne peut être faite qu'avec le consentement exprès et spécial du père, ou, à défaut du père, de la mère, ou, à défaut de père et de mère, qu'avec l'autorisation du conseil de famille. Elle ne doit être reçue qu'après les examens d'admission et s'ils sont favorables.

Délibéré en séances publiques, à Versailles, les 13 Juillet, 10 et 16 Décembre, 1874.

L. BUFFET, *Président.*

FÉLIX VOISIN, VANDIER, T. DUCHÂTEL, LOUIS DE SÉGUR,
Secrétaires.

Le Président de la République promulgue la présente Loi.*

MARSHAL DE MACMAHON, *Duc de Magenta.*

A. TAILHAND, *Garde des Sceaux, Ministre de la Justice.*

AGREEMENT between the British and Egyptian Governments, for the mutual Repayment of Expenses incurred in the Repairs or Re-victualling of the Ships of War of the respective Governments.—Cairo, February 12, 1866.

ART. I. The British and Egyptian Governments shall make application each to the other through Her Britannic Majesty's Agent and Consul-General in Egypt for the repayment of expenses incurred in repairing or in supplying stores to the ships of their respective navies in Egyptian and British dockyards.

II. Such application shall in every case be accompanied by an account, made out in pounds sterling, of the charges for the repairs executed or the stores supplied, as well as by a voucher or receipt from the commander of the ship, describing in the one case the work executed and in the other the nature and quantity of the stores received. Duplicate vouchers or receipts shall be signed by

* Promulguée au "Journal Officiel" du 29 Décembre, 1874.

the commander in each case, and a copy shall be delivered to him, if he desires it, for transmission to his Government.

III. Payment of the accounts shall be made within as short a period as may be convenient from the date of their presentation through the hands of Her Britannic Majesty's Agent and Consul-General in Egypt, who will transmit to the respective Government the amounts received by him on account of such service.

Done in duplicate the 12th day of February, 1866.

NUBAR, *the Minister of Foreign Office.*

(L.S.) EDWARD STANTON, *Her Britannic Majesty's Agent and Consul-General.*

BRITISH CHARTER, revoking so much of the Royal Commission, dated the 19th of February, 1866, as provides for the government of Her Majesty's Settlements on the Gold Coast and of Lagos; and constituting those Settlements into a separate Colony to be called the Gold Coast Colony; and providing for the government thereof.—Westminster, July 24, 1874.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, Greeting:

1. WHEREAS, by certain Letters Patent, under the Great Seal of Our United Kingdom of Great Britain and Ireland, bearing date at Westminster the 19th day of February, 1866, in the 29th year of our reign, provision was made for the government of our Settlements on the West Coast of Africa, as therein is more particularly described:

And whereas by a Supplementary Commission under the Great Seal aforesaid, bearing date at Westminster, the 8th day of November, 1872, in the 36th year of our reign, we did empower our Governor and Commander-in-chief of our West Africa Settlements to grant pardons to offenders in the manner and upon the terms therein mentioned:

And whereas, by our Commission under the Great Seal aforesaid, bearing date the 25th day of July, 1873, in the 37th year of our reign, we did constitute and appoint our trusty and well-beloved George Berkeley, Esquire (now Companion of our Most Distinguished Order of Saint Michael and Saint George), to be, during our will and pleasure, our Governor and Commander-in-chief in and over our said West Africa Settlements:

And whereas it is expedient that provision should be made for

the government of our Settlements on the Gold Coast and of Lagos, apart and separate from the government of our other Settlements on the West Coast of Africa :

And whereas, by an Act made and passed in the 6th year of our reign, intituled "An Act to enable Her Majesty to provide for the government of Her Settlements upon the Coast of Africa and in the Falkland Islands,"* it was enacted that it should be lawful for us, by any Commission under the Great Seal of our United Kingdom, or by any instructions under our sign-manual and signet accompanying and referred to in any such Commission, to delegate to any 3 or more persons within any of the Settlements aforesaid, either in whole or in part, and subject to all such conditions, provisions, and limitations as might be prescribed by any such commission or instructions, the power and authority to make and establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice as might be necessary for the peace, order, and good government of our subjects and others within our then present or future Settlements on the said coast :

Now know ye that we do by these our Letters Patent, under the Great Seal aforesaid, declare our pleasure to be that our said Letters Patent of the 19th day of February, 1866, our said Supplementary Commission of the 8th day of November, 1872, and our said Commission of the 25th day of July, 1873, shall be, and they are hereby revoked so far as regards our said Settlements on the Gold Coast and of Lagos, or any part or parts thereof; and we do further declare our pleasure to be that those Settlements shall constitute, and they are hereby erected into a separate Colony under the title of the Gold Coast Colony.

2. And we do further declare our pleasure to be that our Settlement on the Gold Coast shall, as heretofore, and until otherwise provided by us, comprise all places, settlements, and territories which may at any time belong to us in Western Africa between the 5th degree of west longitude and the 2nd degree of east longitude. And our Settlement of Lagos shall, as heretofore, and until otherwise provided by us, comprise all places, settlements, and territories which may at any time belong to us in Western Africa between the 2nd and 5th degrees of east longitude.

3. And we do further declare and appoint that the Government of our said Colony shall be administered by a Governor duly commissioned by us on that behalf.

4. And we do further declare our pleasure to be that there shall be within our said Colony a Legislative Council, which shall consist

of our said Governor for the time being, and of such other persons or officers, not being less than two in number, from each of our said Settlements, as shall be named or designated by or by virtue of any instruction or instructions, or by any warrant or warrants to be by us for that purpose issued under our sign-manual and signet, and with the advice of our Privy Council; all of which persons or officers shall hold their places in the said Council during our pleasure.

5. And we do further by this our Commission under the Great Seal of our United Kingdom aforesaid delegate to the persons who within our said Colony shall compose the Legislative Council thereof, full power and authority, subject always to such conditions, provisions, and limitations as may be prescribed by any Commission or Instructions, to establish such Ordinances not being repugnant to the law of England or to any order made or to be made by us with the advice of our Privy Council, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice, as may be necessary for the peace, order, and good government of such Colony.

6. And we do further declare our pleasure to be that our said Governor shall have a negative voice in the passing of all such Ordinances aforesaid: and we do also hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances as aforesaid, in the whole or in part, such disallowance being from time to time signified to him through one of our Principal Secretaries of State, and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such Laws or Ordinances as may to us or them appear necessary for the order, peace, and good government of our said Colony as fully as if these presents had not been made. And we do further declare our pleasure to be that in the making and establishing of all such Ordinances the said Legislative Council shall conform to and observe all such rules as may from time to time be directed or appointed by any instruction or instructions issued by us with the advice of our Privy Council.

7. And we do further declare and establish that the laws now in force in our said Colony shall continue in force as long and as far only as they are not repugnant to, or repealed by any Ordinance passed by the Legislature of our said Colony.

8. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be for our said Colony an Executive Council, which shall be composed of such persons and constituted in such manner as may be directed by any

instructions which may from time to time be addressed to our said Governor by us under our sign-manual and signet, and all such persons shall hold their places in the said Council at our pleasure.

9. And we do further authorize and empower our said Governor to keep and use the public seal of our said Colony for sealing all things whatsoever that shall pass the said seal: and we do direct that until a public seal shall be provided for our said Colony, the public seal of our Settlement on the Gold Coast shall be used as the public seal of our said Colony for sealing all things whatsoever that shall pass the said seal.

10. And we do authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seal, grants and dispositions of any lands which may be lawfully granted or disposed of by us within our said Colony, either in conformity with instructions under our sign-manual and signet, or in conformity with such regulations as are now in force, or may be made by him in that behalf, with the advice of our said Executive Council, and duly published in our said Colony.

11. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

12. And we do further authorize and empower our said Governor as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender: and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender, for such period as to him may seem fit, and to remit any fines, penalties, or forfeitures which may become due and payable to us.

13. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Colony any person exercising the same under or by virtue of any Commission or Warrant, granted or to be granted by us in our name or under our authority, which suspension shall continue and have effect only until our pleasure therein shall be known and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him, by any instructions under our

sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

14. Our will and pleasure is, and we do hereby direct that, in the execution of this our Commission, and in the exercise of the command hereby vested in our Governor for the time being, he be resident in our Settlement on the Gold Coast, or at such place or places in the territories adjacent thereto as may from time to time be appointed for the residence of our said Governor, except when the interests of our service may render his presence desirable in our Settlement of Lagos.

15. And whereas it is necessary that provision be made for the execution of this our Commission in the event of the death or incapacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: Now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be and the same are hereby vested in such person as may be appointed by us under our sign-manual and signet to be our Lieutenant-Governor of our said Colony, or if there shall be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the Government of our said Colony, and in case there shall be no person or persons within our said Colony so appointed by us, then in the person for the time being administering the Government of our said Settlement of Lagos, who shall, for such time as he administers the Government of our said Colony, be called the Administrator of the Gold Coast Colony: Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from either of the Settlements aforesaid to the other of the said Settlements, or while visiting or residing at any place in any of the territories adjacent thereto, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said command.

16. And we do further declare and direct that, during his absence from our said Settlement on the Gold Coast, but while he is within the limits of his said command as aforesaid, our Governor may, if he think fit, appoint some person to act as his deputy in administering the Government of our said Gold Coast Settlement, upon such terms and conditions, and for such time as he may think desirable for the good government of our said Settlement; and all or such of the powers and authorities aforesaid as our said Governor in his discretion shall from time to time think it necessary or expedient to assign to such deputy, shall, so far as the same shall be exercisable within such Settlement, be vested in such deputy.

17. And we do further declare that so long as our said Governor, or (as the case may be) Lieutenant-Governor or Administrator of the Gold Coast Colony, shall be absent from our Settlement of Lagos, all and every the powers and authorities, except the powers of suspension and pardon, hereby vested in our said Governor, and so far as the same shall be exercisable within such Settlement, shall be vested in such person within the same as may be appointed by us by warrant under our sign-manual and signet to administer the Government thereof; and in case there shall not be within such Settlement any such Administrator, then we declare that the said powers and authorities shall, in our said Settlement of Lagos, be vested in such person, and upon such terms and conditions, and for such time, as our said Governor, Lieutenant-Governor, or Administrator of our Gold Coast Colony, as the case may be, shall provisionally from time to time appoint, subject to our approval. And we do further declare and provide that the officer for the time being administering the Government of our said Settlement of Lagos shall, in the discharge of such his office, conform to and observe such instructions as shall, for that purpose, be addressed to him by our said Governor in the execution of this our Commission; subject, nevertheless, to all such rules and regulations in that behalf as may from time to time be contained in any instructions under our sign-manual and signet, addressed to our Governor for the time being of our said Gold Coast Colony.

18. And we do further direct and enjoin that this our Commission shall be read and proclaimed within our said respective Settlements on the Gold Coast and of Lagos, and that a transcript thereof shall be deposited and duly recorded in our said Settlements, this our original Commission being preserved within our said Settlement on the Gold Coast.

19. And we do hereby require and command all officers, civil and military, and all others the inhabitants of our said Colony, to be obedient, aiding, and assisting unto our said Governor for the time being, and to the officer appointed to administer the Government of our said Settlement of Lagos, in the execution of this our Commission, and of the powers and authorities herein contained.

20. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, or amend this our Commission as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 24th day of July, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

BRITISH CHARTER, revoking so much of the Royal Commission, dated the 19th day of February, 1866, as provides for the government of Her Majesty's Settlements of Sierra Leone and on the Gambia; and constituting those Settlements into one Government, to be called the West Africa Settlements; and providing for the government thereof.—Westminster, December 17, 1874.*

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith, to all to whom these presents shall come, greeting :

1. WHEREAS, by certain Letters Patent, under the Great Seal of our United Kingdom of Great Britain and Ireland, bearing date at Westminster, the 19th day of February, 1866,* in the 29th year of our reign, provision was made for the government of our Settlements on the West Coast of Africa, as therein is more particularly described :

And whereas, by a Supplementary Commission under the Great Seal aforesaid, bearing date at Westminster, the 8th day of November, 1872, in the 36th year of our reign, we did empower our Governor and Commander-in-chief of our West Africa Settlements to grant pardons to offenders in the manner and upon the terms therein mentioned :

And whereas, by our Commission under the Great Seal aforesaid, bearing date the 25th day of July, 1873, in the 37th year of our reign, we did constitute and appoint our trusty and well-beloved George Berkeley, Esquire (now Companion of our Most Distinguished Order of Saint Michael and Saint George) to be, during our will and pleasure, our Governor and Commander-in-chief in and over our said West Africa Settlements :

And whereas, by Letters Patent, also under the said Great Seal, bearing date at Westminster, the 24th day of July, 1874,† in the 38th year of our reign, our said first-recited Letters Patent, and secondly-recited Supplementary Commission, were revoked so far as regarded our Settlements on the Gold Coast and of Lagos, which said last-mentioned Settlements were thereby erected into a separate Colony under the title of the Gold Coast Colony :

And whereas it is expedient that our said Letters Patent and Supplementary Commission should also be revoked as regards our said Settlements of Sierra Leone and on the Gambia, and that fresh provision should be made for the government of those Settlements :

Now know you that we do by these our Letters Patent, under the Great Seal aforesaid, declare our pleasure to be that our said

first-recited Letters Patent of the 19th day of February, 1866, our said secondly-recited Supplementary Commission of the 8th day of November, 1872, and our said thirdly-recited Commission of the 25th day of July, 1873, shall be and they are hereby revoked and determined.

2. And we do hereby constitute on the said West Coast of Africa one Government-in-chief, which shall be called the Government of our West Africa Settlements, and shall, until otherwise provided by us, comprise our Settlements of Sierra Leone, comprising all places, settlements, and territories which may at any time belong to us in Western Africa, between the 5th and 12th degrees of north latitude, and lying to the westward of the 10th degree of west longitude; and our Settlement on the Gambia, comprising all places, settlements, and territories which may at any time belong to us in Western Africa, between the 12th and 15th degrees of north latitude, and lying to the westward of the 10th degree of west longitude.

3. And we do further declare and appoint that the Government of our said West Africa Settlements shall be administered by a Governor duly commissioned by us in that behalf.

4. And whereas by an Act made and passed in the 6th year of our reign, intituled "An Act to enable Her Majesty to provide for the government of her Settlements upon the Coast of Africa and in the Falkland Islands,"* it was enacted that it should be lawful for us, by any Commission under the Great Seal of our United Kingdom, or by any instructions under our sign-manual and signet accompanying and referred to in any such Commission, to delegate to any 3 or more persons within any of the Settlements aforesaid, either in whole or in part, and subject to all such conditions, provisions, and limitations as might be prescribed by any such Commission or instructions, the power and authority to make and establish all such laws, institutions, and ordinances, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts and for the administration of justice, as might be necessary for the peace, order, and good government of our subjects and others within our then present or future Settlements on the said coast: we do further declare our pleasure to be that there shall be within each of our said Settlements of Sierra Leone and on the Gambia, a Legislative Council, which shall consist of our said Governor for the time being, and of such other persons or officers not being less than two in number within each of our said Settlements, as shall be named or designated by or by virtue of any instruction or instructions or by any warrant or warrants to be by us for that purpose issued under our

sign-manual and signet, and with the advice of our Privy Council, all of which persons and officers shall hold their places in the said Councils during our pleasure.

5. And we do further, by this our Commission under the Great Seal aforesaid, delegate to the persons who within each of our said Settlements shall compose the Legislative Council thereof, full power and authority, subject always to such conditions, provisions, and limitations as aforesaid, to establish such Ordinances not being repugnant to the law of England, or to any order made or to be made by us with the advice of our Privy Council, and to constitute such Courts and officers, and to make such provisions and regulations for the proceedings in such Courts, and for the administration of justice as may be necessary for the peace, order, and good government of such Settlements. .

6. And we do further declare our pleasure to be that our said Governor shall have a negative voice in the passing of all such Ordinances as aforesaid: and we do also hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances as aforesaid, in the whole or in part, such disallowance being from time to time signified to him through one of our Principal Secretaries of State; and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such laws or Ordinances as may to us or them appear necessary for the order, peace, and good government of our said Settlements or either of them as fully as if these presents had not been made. And we do further declare our pleasure to be that, in the making and establishing of all such Ordinances, such Legislative Councils shall conform to and observe all such rules as may from time to time be directed or appointed by any instruction or instructions issued by us with the advice of our Privy Council.

7. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be within our Settlement of Sierra Leone an Executive Council, which shall be composed of such persons and constituted in such manner as may be directed by any instructions addressed to him by us under our sign-manual and signet, and all such persons shall hold their places in our said Council at our pleasure.

8. And we do further authorize and empower our said Governor to keep and use the public seals of each of our said Settlements, for sealing all things whatsoever that shall pass the said seals.

9. And we do authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seals, grants and dispositions of any lands which may be lawfully granted or disposed of by us within each of our said Settlements.

10. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers in our said Settlements, as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

11. And we do further give and grant unto our said Governor full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures which may accrue or become payable to us in such Settlements.

12. And we do further authorize and empower our said Governor, subject to the exception hereinafter mentioned, as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Settlements, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information and evidence as shall lead to the apprehension and conviction of the principal offender; and further to grant to any offender convicted of any crime in any Court, or before any Judge, Justice, or Magistrate within our said Settlements, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to him may seem fit. But in the case of any offender who shall have been condemned to suffer death by the sentence of any Court within our said Settlements, such power of pardon or reprieve shall only be exercisable by him in the Settlement of Sierra Leone, and after receiving the advice of our Executive Council of our said last-mentioned Settlement.

13. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Settlements any person exercising the same, under or by virtue of any Commission or Warrant granted, or to be granted by us in our name, or under our authority; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him, by any instructions under our sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

14. Our will and pleasure is, and we do hereby direct that, in the execution of this our Commission, and in the exercise of the command hereby vested in our Governor for the time being, he be resident in our Settlement of Sierra Leone, except when the interests of our service may render his presence desirable in our said Settlement on the Gambia.

15. And whereas it is necessary that provision be made for the execution of this our Commission in the event of the death or in-

capacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be, and the same are hereby vested in such person as may be appointed by us under our sign-manual and signet to be our Lieutenant-Governor of our said West Africa Settlements, or if there shall be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the Government of our said Settlements, and in case there shall be no person or persons within our said Settlements so appointed by us, then in the person for the time being administering the Government of our said Settlement on the Gambia who shall, for such time as he administers the Government of our said Settlements, be called the Administrator of our West Africa Settlements: Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from either of the Settlements aforesaid to the other of the said Settlements, or while visiting or residing at any place in any of the territories adjacent thereto, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said command.

16. And we do further declare and direct that, during his absence from our said Settlement of Sierra Leone, but while he is within the limits of his said command as aforesaid, our Governor may, if he think fit, appoint some person to act as his deputy in administering the Government of our said Settlement of Sierra Leone, upon such terms and conditions, and for such time, as he may think desirable for the good government of our said Settlement; and all or such of the powers and authorities aforesaid as our said Governor, in his discretion, shall from time to time think it necessary or expedient to assign to such deputy, shall, so far as the same shall be exercisable within such Settlement, be vested in such deputy.

17. And we do further declare that, so long as our said Governor or (as the case may be) Lieutenant-Governor or Administrator of our West Africa Settlements shall be absent from our Settlement on the Gambia, all and every the powers and authorities, except the powers of suspension and pardon, hereby vested in our said Governor, and so far as the same shall be exercisable within such Settlement, shall be vested in such person within the same as may be appointed by us by warrant under our sign-manual and signet to administer the Government thereof; and in case there shall not be within such Settlement any such Administrator, then we declare that the said powers and authorities shall, in our said Settlement on

the Gambia, be vested in such person and upon such terms and conditions and for such time as our said Governor, Lieutenant-Governor, or Administrator of our West Africa Settlements, as the case may be, shall provisionally from time to time appoint, subject to our approval. And we do further declare and provide, that the officer for the time being administering the Government of our said Settlement on the Gambia shall, in the discharge of such his office, conform to and observe such instructions as shall, for that purpose, be addressed to him by our said Governor in the execution of this our Commission: subject, nevertheless, to all such rules and regulations in that behalf as may from time to time be contained in any instructions under our sign-manual and signet, addressed to our Governor for the time being of our said West Africa Settlements.

18. And we do further direct and enjoin that this our Commission shall be read and proclaimed within our said respective Settlements of Sierra Leone and on the Gambia, and that a transcript thereof shall be deposited and duly recorded in our said Settlements, this our original Commission being preserved within our said Settlement of Sierra Leone.

19. And we do hereby require and command all officers, civil and military, and all others the inhabitants of our said Settlements to be obedient, aiding and assisting unto our said Governor for the time being, and to the officer appointed to administer the Government of our said Settlement on the Gambia in the execution of this our Commission, and of the powers and authorities herein contained.

20. And we do hereby reserve to ourselves, our heirs and successors, full power and authority from time to time to revoke, alter, or amend this our Charter as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 17th day of December, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

BRITISH CHARTER for erecting the Fiji Islands into a separate Colony, to be called the Colony of Fiji, and for providing for the government thereof.—Westminster, January 2, 1875.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, to all to whom these presents shall come, greeting:

WHEREAS the Chiefs and people of certain islands in the South

Pacific Ocean, commonly known as the Fiji Islands, and hereinafter more particularly described, have ceded to us the said islands, and the sovereignty thereof, which we have been graciously pleased to accept :

And whereas it is expedient to make provision for the better government of the said islands :

Now, know ye that we, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect, the said Fiji Islands, under which designation are included all islands, rocks, reefs, foreshores, and waters lying between the 15th and 22nd degrees of south latitude, and between the 177th degree of west longitude and the 175th degree of east longitude from the meridian of Greenwich, into a separate Colony, and the said islands are hereby erected into a separate Colony accordingly, to be known and designated as the Colony of Fiji.

2. And we do declare and appoint that the Government of our said Colony shall be administered by a Governor duly commissioned by us in that behalf.

3. And we do hereby further declare and appoint that there shall be, within our said Colony, a Legislative Council, which shall consist of the said Governor for the time being, and of such other public officers and persons within the same, not being less than two in number, as shall be named or designated for that purpose by us by any instruction or instructions, or warrant or warrants, to be by us for that purpose issued under our sign-manual and signet, and with the advice of our Privy Council : all of which persons or officers shall hold their places in the said Council during our pleasure.

4. And we do further declare and appoint that the Governor for the time being of the said Colony, with the advice of the said Legislative Council, shall have full power and authority to make and enact all such Laws and Ordinances as may from time to time be required for the peace, order, and good government of our said Colony ; and that in the making of all such Laws and Ordinances the said Governor shall exercise all such powers and authorities, and that the said Legislative Council shall conform to and observe all such rules and regulations, as shall be given and prescribed in and by such instructions as we, with the advice of our Privy Council, shall from time to time make for his and their guidance therein : Provided nevertheless, and we do hereby reserve to ourselves, our heirs and successors, our and their right and authority to disallow any such Ordinances in the whole or in part, and to make and establish from time to time, with the advice and consent of Parliament, or with the advice of our or their Privy Council, all such laws as may to us or them appear necessary for the peace, order, and good

government of our said Colony, as fully as if these presents had not been made.

5. And we do further declare our pleasure to be that, for the purpose of advising our said Governor, there shall be for our said Colony an Executive Council, which shall be composed of such persons, and constituted in such manner, as may be directed by any instructions which may from time to time be addressed to our said Governor by us under our sign-manual and signet, and all such persons shall hold their places in the said Council at our pleasure.

6. And we do authorize and empower our said Governor to keep and use the public seal of our said Colony for the sealing of all things whatsoever that shall pass the said seal. And we do direct that, until a public seal shall be provided for our said Colony, the seal of our said Governor shall be used as the public seal of our said Colony for sealing all things that shall pass the said seal.

7. And we do further authorize and empower our said Governor to make and execute in our name and on our behalf, under the said public seal, grants and dispositions of land, which may be lawfully granted or disposed of by us within our said Colony, either in conformity with instructions under our sign-manual and signet, or in conformity with such regulations as may be made by our said Governor in that behalf and duly published in our said Colony.

8. And we do further authorize and empower our said Governor to constitute and appoint all such Judges, Commissioners of Oyer and Terminer, Justices of the Peace, and other necessary officers and ministers as may lawfully be appointed by us, all of whom shall hold their offices during our pleasure.

9. And we do further authorize and empower our said Governor, as he shall see occasion, in our name and on our behalf, when any crime has been committed within our said Colony, or for which the offender may be tried therein, to grant a pardon to any accomplice, not being the actual perpetrator of such crime, who shall give such information as shall lead to the apprehension and conviction of the principal offender; and, further, to grant to any offender convicted of any crime in any court, or before any Judge, Justice, or Magistrate within our said Colony, a pardon, either free or subject to lawful conditions, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit; and to remit any fines, penalties, or forfeitures which may accrue or become payable to us.

10. And we do further authorize and empower our said Governor, upon sufficient cause to him appearing, to suspend from the exercise of his office within our said Colony, any person exercising the same under or by virtue of any Commission or Warrant granted, or to be granted by us, in our name, or under our authority, which suspension

shall continue and have effect only until our pleasure therein shall be made known to him and signified to him. And we do hereby strictly require and enjoin him, in proceeding to any such suspension, to observe the directions in that behalf given to him by any instructions under our sign-manual and signet as may be hereafter addressed to our said Governor for the time being.

11. And whereas it is necessary that provision be made for the execution of this our Charter in the event of the death or incapacity of our said Governor, or of his removal from his command, or of his absence from the limits of his said Government: Now, therefore, we do further declare our pleasure to be that, in any such event as aforesaid, all and every the powers and authorities hereby vested in him shall be, and the same are hereby vested in such person as may be appointed by us, under our sign-manual and signet, to be the Lieutenant-Governor of our said Colony; or if there shall be no such Lieutenant-Governor, then in such person or persons as may be appointed by us under our sign-manual and signet to administer the Government of our said Colony; and in case there should be no person or persons within our said Colony so appointed by us, then in the senior member of the Executive Council of our said Colony for the time being: and such Lieutenant-Governor, Administrator, or senior member of the Executive Council, as the case may be, shall execute all and every the powers and authorities herein granted until our further pleasure shall be signified therein. Provided always, and we do further declare our pleasure to be, that our Governor for the time being, during the period of his passage by sea from one of our said islands to another, or while visiting or residing at any place within any of our said islands, shall not, for any of the purposes aforesaid, be considered as being absent from the limits of his said Government.

12. And we do further declare and direct that during his absence from any one of our said islands, but while he is within the limits of his said Government as aforesaid, our said Governor may, if he think fit, appoint some person to act as his deputy in administering the Government of our said islands upon such terms and conditions and for such time as he may think fit, and all or such of the powers and authorities aforesaid as our said Governor in his discretion shall, from time to time, think it necessary or expedient to assign to such deputy, shall be vested in such deputy.

13. And we do further direct and enjoin that this our Charter shall be read and proclaimed at such place or places as our said Governor shall think fit within the said Colony.

14. And we do hereby require and command all officers, civil and military, and all other the inhabitants of our said Colony, to be obedient, aiding, and assisting unto our said Governor, for the time

being, and to the officer appointed to administer the Government of our said Colony, in the execution of this our Commission and of the powers and authorities herein contained.

15. And we do hereby reserve to us, our heirs and successors, full power and authority, from time to time, to revoke, alter, or amend these our Letters Patent as to us or them shall seem meet.

In witness whereof we have caused these our Letters to be made Patent. Witness ourself at Westminster, the 2nd day of January, in the 38th year of our reign.

By warrant under the Queen's sign-manual.

C. ROMILLY.

*BRITISH ORDER IN COUNCIL, for determining the Mode of exercising the Power and Jurisdiction acquired by Her Majesty within divers Countries on the West Coast of Africa near or adjacent to Her Majesty's Gold Coast Colony.—Osborne, August 6, 1874.**

At the Court at Osborne House, Isle of Wight, the 6th day of August, 1874.

PRESENT: THE QUEEN'S MOST EXCELLENT MAJESTY.

Lord President, Mr. Secretary Cross, Mr. Disraeli.

WHEREAS by an Act made and passed in the session of Parliament holden in the 6th and 7th years of Her Majesty's reign [cap. 94], intituled "An Act to remove doubts as to the exercise of power and jurisdiction by Her Majesty within divers countries and places out of Her Majesty's dominions, and to render the same more effectual,"† it was, amongst other things, enacted that it should be lawful for Her Majesty to hold, exercise, and enjoy any power or jurisdiction which Her Majesty then had or might at any time thereafter have, within any country or place out of Her Majesty's dominions, in the same and as ample a manner as if Her Majesty had acquired such power or jurisdiction by the cession or conquest of territory :

And whereas by certain Letters Patent, under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the 24th day of July, 1874,‡ in the 38th year of Her Majesty's reign, Her Majesty's Settlements on the Gold Coast and of Lagos were constituted and erected into one Colony, under the

* Proclaimed at Cape Coast, September 12, 1874.

† Vol. XXXI. Page 984.

‡ Page 942.

title of the Gold Coast Colony, and a Legislative Council was appointed for the said Colony, with certain powers and authority to legislate for the said Colony, as by the said Letters Patent, reference being had thereto, will more fully appear :

And whereas Her Majesty hath acquired power and jurisdiction within divers countries on the West Coast of Africa near or adjacent to Her Majesty's said Gold Coast Colony, and it is expedient to determine the mode of exercising such power and jurisdiction :

Now, therefore, it is hereby ordered, with the advice and consent of Her Privy Council, as follows :—

1. It shall be lawful for the Legislative Council, for the time being, of the said Gold Coast Colony, by Ordinance or Ordinances, to exercise and provide for giving effect to all such powers and jurisdiction as Her Majesty may, at any time before or after the passing of this Order in Council, have acquired in the said territories adjacent to the Gold Coast Colony.

2. The Governor for the time being of the said Colony shall have a negative voice in the passing of all such Ordinances as aforesaid. And the right is hereby reserved to Her Majesty, her heirs and successors, to disallow any such Ordinances as aforesaid, in whole or in part, such disallowance being signified to the said Governor through one of Her Majesty's Principal Secretaries of State, and also to make and establish from time to time, with the advice and consent of Parliament, or with the advice of her or their Privy Council, all such Laws or Ordinances as may to her or them appear necessary for the exercise of such powers and jurisdiction as aforesaid, as fully as if this Order in Council had not been made.

3. In the making and establishing all such Ordinances, the said Legislative Council shall conform to and observe all such rules and regulations as may from time to time be appointed by any instruction or instructions issued by Her Majesty with the advice of Her Privy Council, and, until further directed, the instructions in force for the time being as to Ordinances passed by the said Legislative Council for the peace, order, and good government of the said Gold Coast Colony shall, so far as they may be applicable, be taken and deemed to be in force in respect of Ordinances passed by the said Council by virtue of this Order in Council.

4. In the construction of this Order in Council the term "Governor" shall include the officer for the time being administering the Government of the said Gold Coast Colony.

And the Right Honourable the Earl of Carnarvon, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

ARTHUR HELPS.

ACT of the British Parliament, for amending the Law relating to the Coasting Trade and Merchant Shipping in British Possessions. [Application of Merchant Shipping Acts to Canada.]

[32 Vict., cap. 11.]

[May 13, 1869.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Preliminary.

1. This Act may be cited as “The Merchant Shipping (Colonial) Act, 1869.”

2. In this Act, unless the context otherwise requires,—

The term “British Possession” means any territory or place situate within Her Majesty's dominions, and not forming part of the United Kingdom, or of the Channel Islands, or Isle of Man; and all territories and places under one legislature as hereinafter defined are deemed to be one British Possession for the purposes of this Act:

The term “legislature” includes any person or persons who exercise legislative authority in the British Possession, and where there are local legislatures as well as a central legislature, means the central legislature only.

3. This Act shall be proclaimed in every British Possession by the Governor thereof as soon as may be after he receives notice of this Act, and shall come into operation in that British Possession on the day of such proclamation, which day is hereinafter referred to as the commencement of this Act.

Coasting Trade.

4. After the commencement of this Act the legislature of a British Possession, by any Act or Ordinance, from time to time, may regulate the coasting trade of that British Possession, subject in every case to the following conditions:

(1.) The Act or Ordinance shall contain a suspending clause, providing that such Act or Ordinance shall not come into operation until Her Majesty's pleasure thereon has been publicly signified in the British Possession in which it has been passed.

(2.) The Act or Ordinance shall treat all British ships (including the ships of any British Possession) in exactly the same manner as ships of the British Possession in which it is made.

(3.) Where by Treaty made before the passing of this Act Her Majesty has agreed to grant to any ships of any foreign State any

rights or privileges in respect of the coasting trade of any British Possession, such rights and privileges shall be enjoyed by such ships for so long as Her Majesty has already agreed or may hereafter agree to grant the same, anything in the Act or Ordinance to the contrary notwithstanding.

5. The following sections of "The Customs Consolidation Act, 1853,"* are hereby repealed; namely,

Section 328 as from the commencement of this Act:

Section 163 as from the date in the case of each British Possession at which either an Act or Ordinance with respect to the coasting trade made within two years after the commencement of this Act in such British Possession comes into operation, or if there is no such Act or Ordinance, at which the said two years expire.

Merchant Shipping.

6. It shall be lawful for Her Majesty, by Order in Council, from time to time to declare, with respect to the British Possession mentioned in the Order, the description of persons who are to be registrars of British ships in that British Possession, and to revoke any Order so made.

After the date specified in the Order, or, if no date is specified, after the date of the proclamation of the Order in the British Possession, the Order shall have effect as if it were contained in Section 30 of "The Merchant Shipping Act, 1854."

7. In the construction of "The Merchant Shipping Act, 1854,"† and of the Acts amending the same, Canada shall be deemed to be one British Possession.

8. Where the legislature of any British Possession provides for the examination of, and grant of certificates of competency to, persons intending to act as masters, mates, or engineers on board British ships, and the Board of Trade reports to Her Majesty that they are satisfied that the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under the said Acts, and are liable to be forfeited for the like reasons and in the like manner, it shall be lawful for Her Majesty, by Order in Council,—

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts:

2. To declare that all or any of the provisions of the said Acts which relate to certificates of competency granted under those Acts shall apply to the certificates referred to in the said Order:

* 16 & 17 Vict., cap. 107.

† Vol. XLV. Page 1347.

3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, issue, delivery, cancellation, and suspension thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding 50*l.* for the breach of such conditions and regulations.

Upon the publication in the "London Gazette" of any such Order in Council as last aforesaid, the provisions therein contained shall, from a date to be mentioned for the purpose in such Order, take effect as if they had been contained in this Act.

It shall be lawful for Her Majesty in Council to revoke any Order made under this section.

SPEECH of the Emperor of Austria-Hungary, on the Closing of the Hungarian Reichstag.—Pesth, May 24, 1875.

(Traduction.)

HONORÉS MAGNATS ET DÉPUTÉS ! CHERS ET FÉAUX VASSAUX !

En procédant le 4 Septembre, 1872,* à l'ouverture de ce Reichstag, nous avons annoncé, au vu de la situation du pays, qu'il aurait à s'occuper de la solution d'un grand nombre d'importantes questions. Toutefois, il n'a point été possible de les résoudre toutes, le cours été favorable des temps ayant suscité plus d'un obstacle à ces projets. Le caractère général de la crise financière; son intensité accrue encore en suite des désastres causés par les éléments, et le précaire rendement des moissons, sont venus augmenter les difficultés de la tâche qui vous était imposée et apporter des entraves à ce qui aurait dû être réalisé tant dans l'intérêt de la sécurité de l'État qu'en suite des sacrifices faits par l'État pour prêter un secours efficace à de grandes entreprises publiques. En une situation semblable chacun était préoccupé et soucieux à l'endroit de l'équilibre dans les recettes et les dépenses de l'État. Les dispositions nécessaires y relatives se sont placées au premier plan et les questions à résoudre dans l'intérêt du développement général ont dû être ajournées; cependant on a pris des résolutions qui ont leur importance toute particulière au point de vue de l'intégrité, de la sécurité, et du développement intellectuel et matériel de l'État Hongrois. Quelques dispositions spéciales du compromis conclu sur la vieille base historique avec la Croatie et l'Isclavonie ont été modifiées à la satisfaction générale. La démilitarisation des confins militaires et leur réunion définitive au Royaume ont fait en avant un pas décisif. L'institution des Honveds Hongrois est développée à un degré qui permet de la considérer, suivant nos expériences immédiates, comme un facteur

* Vol. LXV. Page 1121.

tout spécial de la sécurité de l'État, et par la création du Ludoviceum il a été pourvu au besoin que l'on avait de former une pépinière d'officiers capables et en nombre suffisant.

L'établissement de l'Université de Klausenburg a doté cette partie du pays d'un point central utile pour l'instruction supérieure. En votant la loi sur l'impôt foncier, on a fait le premier pas vers une repartition juste et équitable des charges de l'impôt. La réunion des deux cités Bude et Pest en une seule et unique capitale est devenue un fait accompli qui assurera bientôt à l'État Hongrois un centre qui satisfera à tous les intérêts au point de vue politique, intellectuel, social, et commercial. Le système électoral s'est amélioré à bien des égards, et notamment par l'introduction des listes électorales permanentes. De plus outre cette loi, il a été rendu encore un grand nombre d'autres lois assurant plus d'indépendance aux membres de la Chambre des Députés et constituant un progrès dans l'administration de la justice. Ces lois règlent les relations internationales, principalement par la mise en vigueur du nouveau code de commerce ; elles contribuent à fortifier le crédit et à faciliter en général le développement de la culture et de la prospérité du pays, qui est à tous notre but commun. Il y a encore beaucoup à faire, beaucoup à réparer. Nombre de questions attendent encore leur solution. Mais nous avons la conviction que tout ce qui est nécessaire s'accomplira graduellement et promptement. Ce qui nous en est garant c'est le courant qui se manifeste de plus en plus ostensiblement et qui tient compte des conditions indispensables à l'existence de l'État, considérant l'économie comme une mission à remplir. Nous en sommes assuré par l'esprit de sacrifice dont vous avez fait preuve en votant récemment, malgré la détresse financière actuelle, les nouvelles charges qui ont paru nécessaires. Veuillez donc croire que nous sommes bien persuadé que la nation sera toujours prête à faire tous les sacrifices nécessaires dans l'intérêt du pays et de la monarchie. Enfin, nous en sommes encore assuré par le fait que nous portons avec joie à votre connaissance, savoir que les bons rapports que nous entretenons il y a 3 ans avec les Puissances étrangères ont encore, depuis cette époque, gagné en intimité et en cordialité. En de pareilles circonstances et en considération de la fusion qui s'est opérée entre des éléments identiques, nous pouvons envisager avec sécurité les faits que nous réserve l'avenir. Et tout en exprimant cet espoir pour l'avenir, recevez nos chaleureux remerciements pour vos laborieux efforts. Recevez en outre, Messieurs, ainsi que vos mandants, notre salut royal.

*CORRESPONDENCE between Great Britain and the United States respecting the Non-admission of Fish and Fish Oils, the produce of British Columbia, into the United States, Free of Duty, under the Treaty of Washington of May 8, 1871.**
—1875.

No. 1.—*Sir E. Thornton to the Earl of Derby.*—(Rec. April 26.)
MY LORD, *Washington, April 12, 1875.*

I HAVE the honour to inclose copy of a despatch which I have received from the Governor-General of Canada, and of its inclosures, relating to the refusal of the United States' Customs authorities to allow the importation free of duty of fish and fish oil from British Columbia, in accordance with the provisions of Article XXI of the Treaty of May 8, 1871.

His Excellency requests me to take such action in the matter as I may think proper; but as British Columbia did not form a part of the Dominion of Canada when the above-mentioned Treaty was signed, I hesitate to make any representation to the Government of the United States upon the subject until I shall receive your Lordship's instructions to do so.

It is, however, true that the United States' Act of Congress of March 1, 1873,† when British Columbia certainly did form a part of the Dominion of Canada, enacts that fish oil and fish, being the produce of the fisheries of the Dominion of Canada, and of Prince Edward Island, shall be admitted into the United States free of duty.

I have, &c.,

The Earl of Derby.

EDWD. THORNTON.

(Inclosure 1.)—*The Earl of Dufferin to Sir E. Thornton.*

SIR, *Government House, Ottawa, April 8, 1875.*

I HAVE the honour of inclosing, for such action as you may think proper, a copy of an approved report of a Committee of the Privy Council respecting the denial on the part of the United States' authorities of the right of the Province of British Columbia to participate in those provisions of the Treaty of Washington under which fish and fish oil, or the produce of Canadian fisheries, are entitled to admission into the United States free of duty.

I have forwarded a copy of the Minute of Council for the information of the Secretary of State for the Colonies.

I have, &c.,

Sir E. Thornton.

DUFFERIN.

* Vol. LXI. Page 40.

† Vol. LXIII. Page 34.

(*Inclosure 2.*)—*Report of a Committee of the Honourable the Privy Council; approved by His Excellency the Governor-General, on the 1st day of April, 1875.*

ON a Report dated 31st March, 1875, from the Honourable the Minister of Customs, representing that he has been given to understand that the United States' Customs Officers at San Francisco and other ports deny the right of the Province of British Columbia to participate in the terms of the Washington Treaty, which provide for the admission free of duty of fish and fish oil, &c., the product of the Canadian fisheries, and demand and collect duties upon the same as if the said Treaty had not been made, and further representing that the interpretation given to the law of this Dominion, which was enacted to give effect to the said Washington Treaty, is, and always has been, that fish and fish oils, &c., as therein provided, are equally entitled to free entry in British Columbia as in all other Provinces of the Dominion, and he submits a copy of the opinion of the Honourable the Minister of Justice on the subject, dated 5th February, 1874. He therefore requests that the case be brought under the notice of Her Majesty's Ambassador to the United States at Washington, with a view to the adoption of proper measures for the removal of the illegal restrictions imposed on the imports of such articles from British Columbia into the United States.

The Committee concur in the above Report, and advise that a copy of this Minute and of the Report of the Minister of Justice therein referred to, be transmitted to Sir Edward Thornton.

Certified,

W. A. HIMSWORTH, *Clerk, Privy Council, Canada.*

(*Inclosure 3.*)—*Report by the Minister of Justice of Canada.*

Department of Justice, February 5, 1874.

REFERENCE is made by the Department of Marine and Fisheries as to whether fish oils from the Province of British Columbia are admissible into United States' markets duty free under the Treaty of Washington.

By Article XXI of the Treaty of Washington, fish and fish oil the produce of the United States' fisheries or of the Dominion of Canada shall be admitted into each country free of duty.

By Article XXXIII, Article XXI, &c., shall take effect as soon as the laws required to carry them into operation shall have been passed by the Imperial and Canadian Parliaments on the one hand, and the United States' Congress on the other.

The Treaty itself bears date the 8th May, 1871, and is, as to these clauses, in effect a proposition of the Commissioners for free

exchange of the commodities named, should each country see fit to pass laws covering the suggestion.

The real agreement and its terms are to be looked for in the legislative action of the two countries, and these consist of—

1st. Statutes, Canada, 1873, chapter 2, passed 14th June, 1872 ; section 2 of which provides for the admission into Canada free of duty of fish and fish oils, the produce of the fisheries of the United States.

At the time of the passing of this Act, the Province of British Columbia was a part of Canada, having been admitted 20th July, 1871 ; was represented in Parliament ; and, therefore, there being no restriction in the Act, Canada was bound by it to admit into the ports of British Columbia United States' fish and fish oils.

2nd. Act of Congress, United States ; approved 1st March, 1873. It is enacted that whenever the President of the United States shall receive satisfactory evidence that the Parliament of Canada has passed laws on its part to give full effect to Article XXI of the Treaty, " the President is to issue his Proclamation to that effect, and thereafter all fish oil and fish, the produce of Canada, shall be admitted into the United States free of duty."

The President's Proclamation, as above required, was published July 1, 1873.

There being no restriction in the Act of Congress, it must be taken as applying to what at the time constituted Canada ; and as British Columbia then formed a part of Canada, the production of its fisheries in fish and fish oil are entitled to admission into United States free of duty.

H. BERNARD, *Deputy Minister of Justice.*

I concur,

A. A. DORION, *Minister of Justice.*

No. 6.—*Sir E. Thornton to the Earl of Derby*,—(Received May 23.)

MY LORD,

Washington, May 10, 1875.

WITH reference to my despatch of the 12th ultimo, I have the honour to inclose copies of a further despatch, and of its inclosure, which I have received from the Governor-General of Canada, relative to the refusal by the United States' Customs authorities to admit fish and fish-oil free of duty into the United States from British Columbia, as the Canadian Government thinks that they ought to do, in accordance with Article XXI of the Treaty of Washington.

The inclosure in Lord Dufferin's despatch, which is a report of a Committee of the Privy Council of Canada of the 30th ultimo, contains a very clear statement of the case ; but it seems to me that the

question simply resolves itself into whether the United States' Government must be guided by the Treaty when British Columbia did not form a part of the Dominion of Canada, or by the Act of Congress of March 1, 1873 (*vide* Revised Statutes, section 2,506) when it did form a part of the Dominion.

I am obliged, however, to acknowledge that I received no official announcement before the date of this Act, from the Governor-General of Canada, and made none to the Government of the United States, that British Columbia had been incorporated into the Dominion of Canada, nor am I aware that the fact has ever been officially communicated by Her Majesty's Government or by any British authority to the United States' Government.

As I have already asked for your Lordship's instructions upon this matter in my despatch above mentioned, I do not consider that it will be expedient to make any representations to Mr. Fish until I shall receive them.

I have, &c.,

The Earl of Derby.

EDWD. THORNTON.

(*Inclosure 1.*)—*The Earl of Dufferin to Sir E. Thornton.*

SIR,

Government House, Ottawa, May 3, 1875.

I HAVE the honour of communicating to you, for your information, a copy of a further Order of the Privy Council of Canada, relative to the refusal of the United States' authorities to admit fish and fish oil from British Columbia duty free, in accordance with Article XXI of the Treaty of Washington.

I have, &c.,

Sir E. Thornton.

DUFFERIN.

(*Inclosure 2.*)—*Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General, on the 30th day of April, 1875.*

THE Committee of Council have had under consideration the despatch of Her Majesty's Minister at Washington, dated 12th April, 1875, to your Excellency, in answer to a despatch inclosing the Minute of Council of the 1st April, 1875, relative to the refusal of the United States' authorities to admit fish and fish oil from British Columbia duty free, in accordance with Article XXI of the Treaty of Washington.

In his despatch Sir E. Thornton declines to make any representations on the subject to the United States' Government without instructions to that effect from the Earl of Derby, alleging that he would not be justified in doing so, as British Columbia was not, at the time of the signing of that Treaty, a part of Canada.

The Treaty bears date the 8th May, 1871, and Article XXXIII

recites that Articles from XVIII to XXV inclusive, and Article XXX, shall take effect "as soon as the laws required to carry them into operation shall have been passed by the Imperial Parliament of Great Britain, by the Parliament of Canada, and the Legislature of Prince Edward Island on the one hand, and by the Congress of the United States on the other."

British Columbia became part of the Dominion of Canada on the 20th July, 1871, and the Act of the Parliament of Canada giving effect to the Washington Treaty as respects Canada was passed on the 14th June, 1872;* British Columbia being then a part of the Dominion of Canada, and represented in Parliament.

The second section of that Act provided that "fish oil and fish of all kinds (except fish of the inland lakes, and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the United States shall be admitted into Canada free of duty."

It is clear that under this provision fish, the produce of the United States' fisheries, would be admitted free into British Columbia as forming part of Canada.

By section 2,506 of the Act of Congress, entitled "Duties upon imports passed on the 1st of March, 1873," it is provided that—

"Whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the Legislature of Prince Edward Island have passed laws on their part to give full effect to the provisions of the Treaty between the United States and Great Britain, signed at the city of Washington on the 8th day of May, 1871, as contained in Articles XVIII to XXV inclusive and Article XXX of the said Treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence; and therefore from the date of such proclamation, and so long as the said Articles XVIII to XXV inclusive and Article XXX of the said Treaty shall remain in force, according to the terms and conditions of Article XXXIII of the said Treaty, all fish oil and fish of all kinds (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil) being the produce of the fisheries of the Dominion of Canada, or of Prince Edward Island, shall be admitted into the United States free of duty."

The President's Proclamation was issued on the 1st July, 1873, nearly two years after British Columbia had become a part of the Dominion of Canada. From the language of the section above quoted it is clear that fish and fish oil, the produce of the Dominion of Canada as then constituted, were to be admitted into the United

States free of duty. In the opinion of the Committee it is susceptible of no other construction; and they do not hesitate to express the belief that when the subject shall be brought under the notice of the United States' Government that opinion will be concurred in.

The point under consideration was referred in February, 1874, to the Honourable A. A. Dorion, the present Chief Justice of Quebec, and then Minister of Justice, and his opinion was in accordance with that expressed in this Minute.

As an element in the consideration of this subject, it is worthy of note that Article XXVI of the Treaty providing for the free navigation of the River St. Lawrence also makes provision for the free navigation of one of the rivers of British Columbia, the Stikine, which flows through the territory of both countries. This evidence, taken in conjunction with the fact that provision is also made in the Treaty for Prince Edward Island and Newfoundland, the only other portions of British territory on the continent, it may fairly be assumed that, apart from the effect of subsequent legislation, it was the intention of the framers of the Treaty to make it applicable to all parts of British America and the United States.

The Committee advise that a copy of this Minute, the Minute of the 1st of April, 1875, and the correspondence with Her Majesty's Minister at Washington, together with the opinion of the Honourable A. A. Dorion, be transmitted by your Excellency to the Imperial Government, with the request that the United States' Government be moved to consider the subject herein referred to, with a view to the removal of the grounds of complaint.

Certified,

W. A. HIMSWORTH, *Clerk, Privy Council, Canada,*

(Inclosure 3.)—Report of a Committee of the Honourable the Privy Council, approved by His Excellency the Governor-General in Council, on the 1st April, 1875.

[See Page 964.]

(Inclosure 4.)—Report by the Minister of Justice of Canada, dated February 5, 1874.

[See Page 964.]

No. 11.—The Earl of Derby to Sir E. Thornton.

SIR,

Foreign Office, August 11, 1875.

I REFERRED to the Law Officers of the Crown your despatch of the 12th of April, together with other papers on the same subject,

respecting the refusal of the United States' Customs authorities to allow the importation free of duty of fish and fish oil from British Columbia in accordance with the provisions of Article XXI of the Treaty of Washington of May 8, 1871, and I am advised that the words "Dominion of Canada," in Article XXI of the Treaty in question must be governed by the state of things existing in May, 1871, and cannot now receive a wider construction from the fact that additional territory has since been added to the Dominion. The contention of the Canadian Privy Council, founded upon Article XXVI of the Treaty of Washington, cannot be allowed, and no inference applicable in any way to the present case can be drawn from the provision that the navigation of certain specified rivers is to be free, but some confirmation of the view taken by the United States' Customs-house is given by Articles XVIII and XIX of the Treaty, which apply only to fisheries on the Eastern or Atlantic side of the continent. Article XXIII provides the means by which the several Articles named are to be carried into operation, but does not provide for extending the meaning or operation of those Articles, and I am of opinion that the Act of Congress of the 1st of March, 1873, and the Act of the Parliament of Canada of the 14th of June, 1872, must both be construed with reference to the "Dominion of Canada," as that Dominion was on the 8th of May, 1871, and under these circumstances I cannot instruct you to bring the matter to the notice of the United States' Government. I am, &c.,

Sir E. Thornton.

DERBY

ORDINANCE of the Gold Coast Colony, to provide for the Abolition of Slave-Dealing.—Cape Coast Castle, December 17, 1874.

In the 38th year of the reign of Her Majesty Queen Victoria.

(L.S.) Captain GEORGE CUMINE STRAHAN, *Governor*.

At a Legislative Council held at Cape Coast Castle on the 17th day of December, in the year of Our Lord 1874.

An Ordinance to provide for the Abolition of Slave-dealing.

WHEREAS it is expedient that effectual measures should be taken for abolishing slave-dealing:

Be it, therefore, enacted by the Governor of the Gold Coast Colony, by and with the advice and consent of the Legislative Council thereof, as follows, viz. :—

1. This Ordinance shall come into operation upon its being passed by the Legislative Council and assented to by the Governor, and thereupon shall extend and apply to the Gold Coast Colony and the protected territories.

2. In this Ordinance the term "protected territories" shall mean the countries or territories on the West Coast of Africa, near or adjacent to the Settlement on the Gold Coast wherein the Queen's Majesty has acquired, or may hereafter acquire, powers and jurisdiction.

3. Slave-dealing is hereby declared unlawful and is prohibited.

4. Whosoever shall do, or shall attempt to do, any of the acts hereinafter mentioned, that is to say,—

(1.) Deal or trade in, purchase, sell, barter, transfer, or take any slave ;

(2.) Deal or trade in, purchase, sell, barter, transfer, or take any person in order or so that such person should be held or treated as a slave ;

(3.) Place or receive any person in servitude as a pledge or security for debt whether then due and owing, or to be incurred or contingent, whether under the name of a pawn, or by whatever other name such person may be called or known ;

(4.) Convey or induce any person to come within the limits of the protected territories in order or so that such person shall be dealt or traded in, purchased, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ;

(5.) Convey or send, or induce any person to go out of the limits of the protected territories in order or so that such person should be dealt or traded in, purchased, sold, bartered, transferred, or become a slave, or be placed in servitude as a pledge or security for debt ;

(6.) Enter into any contract or agreement with or without consideration for doing any of the acts, or accomplishing any of the purposes hereinabove enumerated ;

shall, and shall be deemed to have committed the offence of slave-dealing.

5. Whosoever shall aid, assist, counsel, request, order, or procure any person to commit the offence of slave-dealing shall be deemed and be guilty of slave-dealing, and may be tried and convicted either as an accessory before the fact to the principal offence, or after the conviction of the principal offender, or may be indicted and convicted of the substantive offence, whether the principal offender shall or shall not have been previously convicted, or shall or shall not be amenable to justice.

6. Every offence of slave-dealing may be inquired of, tried, determined, and dealt with, by any Court having within the Gold

Coast Colony, or the protected territories, competent jurisdiction to try crimes and offences: declaring that the term "Court" for the purposes of this Ordinance shall include the Courts of such native Kings and Chiefs only as the Governor may by his Commission authorize, either specially to try the offence of slave-dealing, or generally to try crimes and offences.

7. Whosoever shall be convicted of slave-dealing shall be liable to be punished by imprisonment with or without hard labour for a period which may extend to 7 years, and shall also be liable to be fined, either in addition to or in substitution for such imprisonment; and where any fine shall have been imposed, such fine shall be recoverable by distress and sale of the goods and chattels of the party convicted, and in default of sufficient distress, or without proceeding by distress in case the Court pronouncing sentence shall so order, by imprisonment with or without hard labour for any term not exceeding two years, unless such fine shall be sooner paid.

8. Every person who as a slave or otherwise shall be brought, or induced to come, within the Gold Coast Colony or protected territories so, or in order, that such person should be dealt or traded in, sold, purchased, bartered, transferred, or taken, or should become or be a slave, or be placed in servitude, or transferred as a pledge or security for debt, shall become and be, and is hereby declared to be, a free person.

9. Every present contract in which it is stipulated or agreed that any person shall be bought or sold, or placed in servitude, or be transferred either as a pledge or security for debt, or in any other way, shall so far as regards any such stipulation or agreement be and is hereby declared to be wholly, and in every particular, null and void, and every future contract which shall contain any such stipulation or agreement shall be absolutely illegal.

10. This Ordinance shall be sufficiently cited for all purposes as the "Gold Coast Slave-Dealing Abolition Ordinance, 1874."

Passed in the Legislative Council this 17th day of December, in the year of Our Lord 1874.

ALFRED MOLONEY, *Clerk of Legislative Council.*

I assent to this Ordinance in Her Majesty's name.

GEO. C. STRAHAN, *Governor.*

ORDINANCE of the Gold Coast Colony, to provide for the Emancipation of Persons holden in Slavery.—Cape Coast Castle, December 17, 1874.

In the 38th year of the reign of Her Majesty Queen Victoria.

(L.S.) Captain GEORGE CUMINE STRAHAN, *Governor*.

At a Legislative Council held at Cape Coast Castle, on the 17th day of December, in the year of Our Lord 1874.

An Ordinance to provide for the Emancipation of persons holden in Slavery.

WHEREAS divers persons under the native laws of the protected territories on the Gold Coast are or may be holden in slavery, and it is just and expedient to provide for the emancipation of all such persons :

Be it therefore enacted by the Governor of the Gold Coast Colony, by and with the advice and consent of the Legislative Council thereof, as follows, viz. :—

1. This Ordinance shall come into operation upon its being passed by the Legislative Council and assented to by the Governor, and thereupon shall extend and apply to the Gold Coast Colony and the protected territories.

2. In this Ordinance the term “protected territories” shall mean the countries or territories on the West Coast of Africa, near or adjacent to the Settlement on the Gold Coast, wherein the Queen’s Majesty has acquired, or may hereafter acquire, powers and jurisdiction.

3. All persons who after the 5th day of November, of the year 1874, shall have been or shall be born within the limits to which this Ordinance applies, who under the native laws of the protected territories are, or may be liable to be holden, or but for this Ordinance would or might be, or be liable to be holden in slavery, are, and shall be, and are hereby declared free persons to all intents and purposes : but providing that, except in so far as is inconsistent with this Ordinance and with the “Gold Coast Slave-Dealing Abolition Ordinance, 1874,”* nothing herein contained shall be construed to diminish or derogate from the rights and obligations of parents and of children, or from other rights and obligations, not being repugnant to the law of England, arising out of the family and tribal relations customarily used and observed in the protected territories.

4. If at any time after this Ordinance shall have come into

operation any claim or alleged right over or affecting the liberty of any person shall be made, stated, or brought into controversy, or shall arise, or come in question, whether as a ground or cause of action or by way of plea, answer, demurrer, or defence of, in, or to any suit, action, cause, indictment, information, prosecution, or proceeding, or in any other manner of way whatsoever, then and in every such case, such claim or alleged right shall be deemed and be of no force or validity, and every Court of Justice, Judge, Magistrate, native King, Chief, and other tribunal, authority, and person before whom any such claim or alleged right may be made, stated, brought into controversy, or shall arise, or come in question as aforesaid, shall refuse, disallow, discharge, and dismiss the same for all purposes and effects whatsoever: Providing always that this enactment shall not be construed to include or apply to such rights as under the ordinary rules of English law applicable to the Gold Coast Colony may arise under and by virtue of contracts of service between freemen, or as are included and reserved in the last preceding section.

5. Whosoever shall, by any species of coercion or restraint, compel or attempt to compel the service of any person [declared in this or in any other Ordinance of this Colony a free person]* shall be guilty of an offence punishable in the manner prescribed in the 7th Section of the "Gold Coast Slave-Dealing Abolition Ordinance, 1874:" Provided that this enactment shall not be construed to apply to any such coercion as lawfully may be exercised by virtue of such contracts of service as under the ordinary rules of English law applicable to the Gold Coast Colony may be entered into between free persons, or by virtue of such rights as are included and reserved in the 3rd Section of this Ordinance.

6. This Ordinance shall be sufficiently cited for all purposes as the "Gold Coast Emancipation Ordinance, 1874."

Passed in the Legislative Council this 17th day of December, in the year of Our Lord 1874.

ALFRED MOLONEY, *Clerk of Legislative Council.*

I assent to this Ordinance in Her Majesty's name.

GEO. C. STRAHAN, *Governor.*

* It was enacted by the "Gold Coast Emancipation Ordinance Amendment Ordinance, 1875," that the 5th section of the "Gold Coast Emancipation Ordinance, 1874," should be read and construed as if the words within brackets were not contained in it.

PROCLAMATION of the Governor of the Gold Coast of the Abolition of Slavery in the Protectorate.—Cape Coast Castle, December 17, 1874.

By His Excellency George Cumine Strahan, Captain Royal Artillery, Governor and Commander-in-chief of the Gold Coast Colony.

(L.S.) GEORGE CUMINE STRAHAN, *Captain Royal Artillery, Governor.*

WHEREAS the Queen's Most Excellent Majesty has resolved to abolish slave-dealing in her Protectorate of the Gold Coast and the importation thereinto of slaves and persons intended to be dealt with as slaves, and also to provide for the emancipation of persons holden as slaves within the said Protectorate :

And whereas the Governor and Legislative Council of the Gold Coast Colony have, by Her Majesty's commands, enacted an Ordinance bearing date 17th December, 1874,* by which all selling, buying, or dealing in slaves is declared unlawful, and is absolutely and for ever abolished, prohibited, and made penal ; and another Ordinance, also bearing date 17th December, 1874.† providing for the emancipation of persons holden in slavery :

Now I do hereby proclaim, publish, and make known the said Ordinances to all persons whom it may concern.

And further, in order and to the intent that all the Kings, Chiefs, Headmen, and other persons throughout the aforesaid Protectorate and elsewhere may the more readily understand and obey the laws now made and enacted, I hereby require every person to take notice and observe that now and from henceforth—

It is unlawful to sell, or purchase, or transfer, or take any person as a slave.

It is unlawful to sell, or purchase, or transfer, or take any person so as to make such person a slave.

It is unlawful to put or take any person in pawn for or on account of any debt.

It is unlawful to bring any person, whether slave or free, into the protected territories from Ashantee or elsewhere in order that such person should be sold or dealt with as a slave or pawn.

It is unlawful to take or send any person out of the protected territories in order that such person should be sold or dealt with as a slave or pawn.

It is unlawful to make any contract or agreement for buying, selling, or pawning any person, or for bringing any person into or out of the protected territories to be sold or dealt with as a slave or pawn.

It is unlawful that any King, Chief, Headman, or other person should, in any palaver, or by any means whatsoever, force or constrain any person for the purpose of compelling him to remain at any place or serve any master contrary to the will of such person.

Whosoever offends against any of these laws shall be punished with imprisonment and hard labour, and may also be fined.

If in any contract hereafter made it should be agreed that any person should be put in pawn, or bought, or sold, or transferred, the whole contract shall be null and void.

And, further, let all persons whom it may concern take notice that all children who, after the 5th day of November, 1874, have been or shall be born in the Protectorate, have been declared free. But it is not intended by any of the aforesaid laws, or otherwise, to offer inducement to any persons to leave any master in whose service they may be desirous of remaining, or to forsake the krooms where they have been accustomed to inhabit, and that it is intended to permit the family and tribal relations to continue in all respects according as used and wont except only that of slavery and such customs as arise therefrom, and are thereon necessarily dependent.

Given at Government House, Cape Coast Castle, this 17th day of December, in the year of Our Lord 1874, and of Her Majesty's reign the 38th.

By command,

W. OWEN LANYON, *Acting Colonial Secretary.*

God save the Queen !

INTERNATIONAL TELEGRAPH CONVENTION between Great Britain, Austria-Hungary, Bavaria, Belgium, France, Germany, Greece, India, Italy, Netherlands, Norway, Persia, Portugal, Roumania, Russia, Servia, Spain, Sweden, Switzerland, Turkey, and Wurtemberg.—Signed at Rome, January 14, 1872.

[Les passages en italiques indiquent les modifications qui ont été apportées à la Convention Télégraphique Internationale conclue à Paris, le 17 Mai, 1865, et révisée à Vienne, le 21 Juillet, 1868.]

CONVENTION.

Les États qui ont participé à la Convention Télégraphique Internationale, conclue à Paris le 17 Mai, 1865, et révisée à Vienne le 21 Juillet, 1868,† ou qui ont successivement adhéré à cette Con-*

* Vol. LVI. Page 295.

† Vol. LIX. Page 322.

vention, ont résolu d'y introduire les améliorations suggérées par l'expérience. À cet effet, les *Délégués soussignés se sont réunis à Rome, et*, conformément aux dispositions de l'Article *LXII*, ont arrêté d'un commun accord, sous réserve d'*approbation*, les stipulations suivantes, applicables à partir du 1^{er} *Juillet, 1872* :—

TITRE I.—*Du Réseau International.*

ARTICLE I.

Les Hautes Parties Contractantes s'engagent à affecter au service télégraphique international des fils spéciaux, en nombre suffisant pour assurer une rapide transmission des dépêches.

Ces fils seront établis dans les meilleures conditions que la pratique du service aura fait connaître.

Les villes entre lesquelles l'échange des correspondances est continu ou très-actif seront, successivement et autant que possible, reliées par des fils directs, d'un diamètre d'au moins 5 millimètres, et dont le service demeurera dégagé du travail des bureaux intermédiaires.

II

Entre les villes importantes des États Contractants, le service est, autant que possible, permanent, le jour et la nuit, sans aucune interruption.

Les bureaux ordinaires, à service de jour complet, sont ouverts au public :

Du 1^{er} Avril au 30 Septembre, de 7 heures du matin à 9 heures du soir ;

Du 1^{er} Octobre au 31 Mars, de 8 heures du matin à 9 heures du soir.

Les heures d'ouverture des bureaux à service limité sont fixées par les Administrations respectives des États Contractants.

Le même temps est adopté par tous les bureaux d'un même État. C'est généralement le temps moyen de la capitale de cet État.

III.

Les appareils Morse et Hughes restent concurremment adoptés pour le service des fils internationaux, jusqu'à une nouvelle entente sur l'introduction d'autres appareils.

TITRE II.—*De la Correspondance.*

SECTION 1.—*Conditions Générales.*

IV.

Les Hautes Parties Contractantes reconnaissent à toutes personnes le droit de correspondre au moyen des télégraphes internationaux.

V.

Elles s'engagent à prendre toutes les dispositions nécessaires pour assurer le secret des correspondances et leur bonne expédition.

VI.

Les Hautes Parties Contractantes déclarent toutefois n'accepter, à raison du service de la télégraphie internationale, aucune responsabilité.

SECTION 2. — *Du Dépôt.*

VII.

Les dépêches télégraphiques sont classées en 3 catégories :—

1. Dépêches d'État : celles qui émanent du Chef de l'État, des Ministres, des Commandants-en-chef des forces de terre ou de mer, et des Agents Diplomatiques ou Consulaires des Gouvernements Contractants, ainsi que les réponses à ces mêmes dépêches.

Les dépêches des Agents Consulaires qui exercent le commerce ne sont considérées comme dépêches d'État que lorsqu'elles sont adressées à un personnage officiel et qu'elles traitent d'affaires de service.

2. Dépêches de service : celles qui émanent des Administrations Télégraphiques des États Contractants, et qui sont relatives, soit au service de la télégraphie internationale, soit à des objets d'intérêt public déterminés de concert par les dites Administrations.

3. Dépêches privées.

VIII.

Les dépêches d'État ne sont admises comme telles, que revêtues du sceau ou du cachet de l'autorité qui les expédie.

L'expéditeur d'une dépêche privée peut toujours être tenu d'établir la sincérité de la signature dont la dépêche est revêtue.

Il a, de son côté, la faculté de comprendre dans sa dépêche la légalisation de sa signature.

IX.

Les dépêches en langage clair doivent offrir un sens compréhensible en l'une quelconque des langues usitées sur les territoires des États Contractants, ou en langue Latine.

Chaque État désigne, parmi les langues usitées sur ses territoires, celles qu'il considère comme propres à la correspondance télégraphique internationale.

Sont considérées comme dépêches en langage secret :

1. *Celles qui contiennent un texte chiffré ou en lettres secrètes ;*

2. *Celles qui renferment des séries ou des groupes de chiffres ou de*

lettres, dont la signification commerciale ne serait pas connue du bureau d'origine ;

3. *Les dépêches contenant des passages en langage convenu, incompréhensibles pour les offices en correspondance, ou des mots ne faisant point partie des langues mentionnées au premier paragraphe du présent Article.*

X.

Les dépêches d'État et de service peuvent être émises en langage secret, dans toutes les relations.

Les dépêches privées peuvent être échangées en langage secret entre deux États qui admettent ce mode de correspondance.

Les États qui n'admettent pas les dépêches privées en langage secret, au départ et à l'arrivée, doivent les laisser circuler en transit, sauf le cas de suspension défini à l'Article XXI.

Les dépêches sémaphoriques doivent être rédigées, soit dans la langue du pays où est situé le sémaphore chargé de les signaler, soit en signaux du code commercial universel.

XI.

La minute de la dépêche doit être écrite lisiblement, en caractères qui aient leur équivalent dans le tableau réglementaire des signaux télégraphiques, et qui soient en usage dans le pays où la dépêche est présentée.

Le texte doit être précédé de l'adresse et suivi de la signature.

L'adresse doit porter toutes les indications nécessaires pour assurer la remise de la dépêche à destination.

Tout interligne, renvoi, rature ou surcharge doit être approuvé du signataire de la dépêche ou de son représentant.

SECTION 3.—*De la Transmission.*

XII.

La transmission des dépêches a lieu dans l'ordre suivant :

1. Dépêches d'État ;
2. Dépêches de service ;
3. Dépêches privées.

Une dépêche commencée ne peut être interrompue pour faire place à une communication d'un rang supérieur qu'en cas d'urgence absolue.

Les dépêches de même rang sont transmises par les bureaux de départ dans l'ordre de leur dépôt, et par les bureaux intermédiaires dans l'ordre de leur réception.

Entre deux bureaux en relation directe, les dépêches de même rang sont transmises dans l'ordre alternatif.

Il peut être toutefois dérogé à cette règle et à celle du paragraphe 1^{er}, dans l'intérêt de la célérité des transmissions, sur les

lignes dont le travail est continu, ou qui sont desservies par des appareils spéciaux.

Dans les bureaux intermédiaires, les dépêches de départ et les dépêches de passage, qui doivent emprunter les mêmes fils, sont confondues et transmises indistinctement, en suivant l'heure du dépôt ou de la réception.

XIII.

Les bureaux dont le service n'est point permanent ne peuvent prendre clôture avant d'avoir transmis toutes leurs dépêches internationales à un bureau permanent.

Ces dépêches sont immédiatement échangées, à leur tour de réception, entre les bureaux permanents des différents États.

XIV.

Lorsque l'expéditeur n'a prescrit aucune voie à suivre, chacun des offices à partir desquels les voies se divisent, reste juge de la direction à donner à la dépêche.

Si, au contraire, l'expéditeur a prescrit la voie à suivre, les offices respectifs sont tenus de se conformer à ses indications, à moins d'interruption de la voie indiquée, auquel cas il ne peut élever aucune réclamation.

XV.

Lorsqu'il se produit, au cours de la transmission d'une dépêche, une interruption dans les communications télégraphiques, le bureau à partir duquel l'interruption s'est produite expédie immédiatement la dépêche par la poste (lettre chargée d'office), ou par un moyen de transport plus rapide, s'il en dispose.

Il l'adresse, suivant les circonstances, soit au premier bureau télégraphique en mesure de la réexpédier par le télégraphe, soit au bureau de destination, soit au destinataire même. Dès que la communication est rétablie, la dépêche est de nouveau transmise par la voie télégraphique, à moins qu'il n'en ait été précédemment accusé réception, ou que, par suite d'encombrement exceptionnel, cette réexpédition ne doive être manifestement nuisible à l'ensemble du service.

XVI.

Les dépêches qui dans les 30 jours du dépôt n'ont pu être signalées par les postes sémaphoriques aux bâtiments destinataires sont mises au rebut.

XVII.

Tout expéditeur peut, en justifiant de sa qualité, arrêter, s'il en est encore temps, la transmission de la dépêche qu'il a déposée.

SECTION 4.—*De la Remise à Destination.*

XVIII.

Les dépêches télégraphiques peuvent être adressées soit à domicile, soit poste restante, soit bureau télégraphique restant.

Elles sont remises ou expédiées à destination dans l'ordre de leur réception.

Les dépêches adressées à domicile ou poste restante dans la localité que le bureau télégraphique dessert, sont immédiatement portées à leur adresse.

Les dépêches adressées à domicile ou poste restante hors de la localité desservie sont, suivant la demande de l'expéditeur, envoyées immédiatement à leur destination par la poste, ou par un moyen plus rapide si l'Administration du bureau destinataire en dispose.

XIX.

Chacun des États Contractants se réserve d'organiser, autant que possible, pour les localités non desservies par le télégraphe, un service de transport plus rapide que la poste, et chaque État s'engage envers les autres à mettre tout expéditeur en mesure de profiter, pour sa correspondance, des dispositions prises et notifiées, à cet égard, par l'un quelconque des autres États.

SECTION 5.—*Du Contrôle.*

XX.

Les Hautes Parties Contractantes se réservent la faculté d'arrêter la transmission de toute dépêche privée qui paraîtrait dangereuse pour la sécurité de l'État, ou qui serait contraire aux lois du pays, à l'ordre public ou aux bonnes mœurs, à charge d'en avertir immédiatement l'Administration de laquelle dépend le bureau d'origine.

Ce contrôle est exercé par les bureaux télégraphiques extrêmes ou intermédiaires, sauf recours à l'administration centrale, qui prononce sans appel.

XXI.

Chaque Gouvernement se réserve aussi la faculté de suspendre le service de la télégraphie internationale pour un temps indéterminé, s'il le juge nécessaire, soit d'une manière générale, soit seulement sur certaines lignes et pour certaines natures de correspondance, à charge par lui d'en aviser immédiatement chacun des autres Gouvernements Contractants.

SECTION 6.—*Des Archives.*

XXII.

Les originaux et les copies des dépêches, les bandes de signaux ou pièces analogues, sont conservés au moins pendant 6 mois, à

compter de leur date, avec toutes les précautions nécessaires au point de vue du secret.

Ce délai est porté à 18 mois pour les dépêches enregistrées.

XXIII.

Les originaux et les copies des dépêches ne peuvent être communiqués qu'à l'expéditeur ou au destinataire, après constatation de son identité.

L'expéditeur et le destinataire ont le droit de se faire délivrer des copies certifiées conformes de la dépêche qu'ils ont transmise ou reçue.

SECTION VII.—*De certaines Dépêches spéciales.*

XXIV.

Tout expéditeur peut affranchir la réponse qu'il demande à son correspondant.

Le bureau d'arrivée paie au destinataire le montant de la taxe perçue au départ pour la réponse, soit en monnaie, soit en timbres-télégraphe, soit au moyen d'un bon de caisse, en lui laissant le soin d'expédier la réponse dans un délai, à une adresse et par une voie quelconques.

Cette réponse est considérée et traitée comme toute autre dépêche.

Si la dépêche primitive ne peut être remise *au bout de 6 semaines*, ou si le destinataire refuse formellement la somme affectée à la réponse, le bureau d'arrivée en informe l'expéditeur par un avis qui tient lieu de la réponse. Cet avis contient l'indication des circonstances qui se sont opposées à la remise.

L'affranchissement ne peut dépasser le triple de la taxe de la dépêche primitive.

Les dispositions des 3 premiers paragraphes du présent Article ne sont pas obligatoires pour les Offices extra-Européens qui déclarent ne point pouvoir les appliquer.

Dans les relations avec ces Offices, la taxe déposée pour la réponse est portée en compte à l'Office d'arrivée, qui adopte tel moyen qu'il juge convenable pour mettre le destinataire en mesure d'en profiter.

XXV.

L'expéditeur de toute dépêche a la faculté d'en demander le collationnement. Dans ce cas les divers bureaux qui concourent à la transmission en donnent le collationnement intégral.

XXVI.

L'expéditeur de toute dépêche peut demander que l'indication de l'heure à laquelle sa dépêche sera remise à son correspondant lui soit transmise par la voie télégraphique.

Si la dépêche ne peut être remise, *le bureau d'arrivée en informe le bureau de départ par un avis contenant les renseignements nécessaires pour que l'expéditeur puisse faire parvenir sa dépêche au destinataire, s'il y a lieu. Lorsqu'il n'y a pas d'erreur de service à rectifier, cet avis tient lieu d'accusé de réception.*

L'expéditeur a la faculté de se faire adresser l'accusé de réception sur un point quelconque du territoire des États Contractants, en fournissant les indications nécessaires.

XXVII.

Les dépêches pour lesquelles l'expéditeur a demandé la réponse payée, le collationnement, ou l'accusé de réception sont enregistrées, et il en est délivré reçu au déposant.

Sont également enregistrées les dépêches d'État et les dépêches échangées avec les offices extra-Européens, même lorsqu'elles ne comportent pas d'opérations accessoires.

XXVIII.

Lorsqu'une dépêche porte la mention "faire suivre," sans autre indication, le bureau de destination, après l'avoir présentée à l'adresse indiquée, la réexpédie immédiatement, s'il y a lieu, à la nouvelle adresse qui lui est désignée au domicile du destinataire ; il n'est toutefois tenu de faire cette réexpédition que dans les limites de l'État auquel il appartient, et il traite alors la dépêche comme une dépêche intérieure.

Si aucune indication ne lui est fournie, il garde la dépêche en dépôt. Si la dépêche est réexpédiée et que le second bureau ne trouve pas destinataire à l'adresse nouvelle, la dépêche est conservée par ce bureau.

Si la mention "faire suivre" est accompagnée d'adresses successives, la dépêche est successivement transmise à chacune des destinations indiquées, jusqu'à la dernière s'il y a lieu, et le dernier bureau se conforme aux dispositions du paragraphe précédent.

Toute personne peut demander, en fournissant les justifications nécessaires, que les dépêches qui arriveraient à un bureau télégraphique, pour lui être remises dans le rayon de distribution de ce bureau, lui soient réexpédiées, *dans les conditions des paragraphes précédents, à l'adresse qu'elle aura indiquée.*

Les dispositions du présent Article ne sont pas obligatoires pour les Offices extra-Européens qui déclarent ne pouvoir les accepter.

XXIX.

Les dépêches télégraphiques peuvent être adressées—

Soit à plusieurs destinataires dans des localités différentes ;

Soit à plusieurs destinataires dans une même localité ;

Soit à un même destinataire dans des localités différentes, ou à plusieurs domiciles dans la même localité.

Dans les deux premiers cas, chaque exemplaire de la dépêche ne doit porter que l'adresse qui lui est propre, à moins que l'expéditeur n'ait demandé le contraire.

XXX.

Dans l'application des Articles précédents on combinera les facilités données au public pour les réponses payées, les dépêches *collationnées*, les dépêches à faire suivre, les dépêches multiples, et les accusés de réception.

XXXI.

Les Hautes Parties Contractantes s'engagent à prendre les mesures que comportera la remise à destination des dépêches expédiées de la mer, par l'intermédiaire des sémaphores établis ou à établir sur le littoral de l'un quelconque des États qui auront pris part à la présente Convention.

TITRE III.—*Des Taxes.*

SECTION 1.—*Principes Généraux.*

XXXII.

Les Hautes Parties Contractantes déclarent adopter, pour la formation des tarifs internationaux, les bases ci-après :

La taxe applicable à toutes les correspondances échangées, par la même voie, entre les bureaux de deux quelconques des États Contractants sera uniforme. Un même État pourra toutefois, en Europe, être subdivisé, pour l'application de la taxe uniforme, en deux grandes divisions territoriales au plus.

Le minimum de la taxe s'applique à la dépêche dont la longueur ne dépasse pas 20 mots. La taxe applicable à la dépêche de 20 mots s'accroît de moitié par chaque série indivisible de 10 mots au-dessus de 20.

Toutefois les offices télégraphiques extra-Européens sont autorisés à admettre sur leurs lignes la dépêche de 10 mots avec taxe réduite, *ainsi qu'à employer la gradation par mot, après avoir obtenu le consentement des autres offices intéressés, conformément aux dispositions de l'Article XXXIV.* Pour le parcours Européen, cette dépêche est taxée conformément aux dispositions du paragraphe précédent.

XXXIII.

Le franc est l'unité monétaire qui sert à la composition des tarifs internationaux.

Le tarif des correspondances échangées entre deux points quelconques des États Contractants doit être composé de telle sorte que

la taxe de la dépêche de 20 mots soit toujours un multiple du demi-franc, *et que la taxe d'une dépêche quelconque soit un multiple du quart de franc.*

Il sera perçu pour un franc: *En Allemagne, 8 silbergros ou 28 kreuzer; en Autriche et Hongrie, 40 kreuzer (valeur Autrichienne); en Danemark, 35 shillings; en Espagne, 0.40 écu ou une peseda; dans la Grande-Bretagne, 10 pence; en Grèce, 1.16 drachme; dans l'Inde-Britannique, 0.42 roupie; en Italie, 1 lira; en Norwège, 22 skillings; dans les Pays-Bas et dans les Indes Néerlandaises, 50 cents; en Perse, 1 sahibkran; en Portugal, 200 reis; en Roumanie, 1 piastre nouvelle; en Russie, 25 copeks; en Serbie, 5 piastres; en Suède, 72 oeres; en Turquie, 4 piastres 13 paras 1 aspre medjidiés.*

Le paiement pourra être exigé en valeur métallique.

XXXIV.

Le taux de la taxe est établi d'État à État, de concert entre les Gouvernements extrêmes et les Gouvernements intermédiaires.

Le tarif applicable aux correspondances échangées entre les États Contractants est fixé conformément aux tableaux annexés à la présente Convention. Les taxes inscrites dans ces tableaux pourront, toujours et à toute époque, être *modifiées* d'un commun accord entre les Gouvernements intéressés; toutefois *ces modifications* devront avoir pour but et pour effet, non point de créer une concurrence de taxes entre les voies existantes, mais bien d'ouvrir au public, à taxes égales, autant de voies que possible.

Toute modification d'ensemble ou de détail ne sera exécutoire que deux mois au moins après sa notification *par le Bureau International.*

SECTION 2.—*De l'Application des Taxes.*

XXXV.

Tout ce que l'expéditeur écrit sur la minute de sa dépêche, pour être transmis, entre dans le calcul de la taxe, sauf ce qui est dit au paragraphe 8 de l'Article suivant *et au paragraphe 2 de l'Article XL.*

XXXVI.

Le maximum de longueur d'un mot est fixé à 7 syllabes; l'excédant est compté pour un mot.

Les expressions réunies par un trait d'union sont comptées pour le nombre de mots qui servent à les former.

Les mots séparés par une apostrophe sont comptés comme autant de mots isolés.

Les noms propres de villes et de personnes, les noms de lieux, places, boulevards, &c., les titres, prénoms, particules, et qualifications, sont comptés pour le nombre des mots employés *par l'expéditeur* à les exprimer.

Dans le cas où il n'est pas certain qu'une réunion de mots employée par l'expéditeur soit contraire à l'usage de la langue, la manière d'écrire de l'expéditeur est décisive pour la taxation.

Les nombres écrits en chiffres sont comptés pour autant de mots qu'ils contiennent de fois 5 chiffres, plus un mot pour l'excédant. La même règle est applicable au calcul des groupes de lettres.

Tout caractère isolé, lettre ou chiffre, est compté pour un mot ; il en est de même du souligné.

Les signes de ponctuation, traits d'union, apostrophes, guillemets, parenthèses, alinéas, ne sont pas comptés.

Sont toutefois comptés pour un chiffre : les points, les virgules, et les barres division qui entrent dans la formation des nombres.

Les lettres ajoutées aux chiffres pour désigner les nombres ordinaux sont comptées chacune pour un chiffre.

XXXVII.

Dans les dépêches en langage secret, l'adresse, la signature et les parties du texte en langage ordinaire ou convenu, sont comptées conformément à l'Article précédent.

Pour les parties du texte composées, soit en chiffres ou en lettres secrètes, soit en langue non admise aux termes de l'Article IX, le compte des mots est établi de la manière suivante :

Tous les caractères, chiffres, lettres, ou signes sont additionnés. Le total divisé par 5 donne pour quotient le nombre de mots à taxer ; l'excédant est compté pour un mot. Les signes qui séparent les groupes sont comptés, à moins que l'expéditeur n'ait indiqué expressément qu'ils ne doivent pas être transmis.

XXXVIII.

Le nom du bureau de départ, la date, l'heure, et la minute du dépôt sont transmis d'office au destinataire.

XXXIX.

Toute dépêche rectificative, complétive, et généralement toute communication échangée avec un bureau télégraphique à l'occasion d'une dépêche transmise ou en cours de transmission, est taxée conformément aux règles de la présente Convention, à moins que cette communication n'ait été rendue nécessaire par une erreur de service.

XL.

La taxe est calculée d'après la voie la moins coûteuse entre le point de départ de la dépêche et son point de destination, à moins que l'expéditeur n'ait indiqué une autre voie conformément à l'Article XIV.

L'indication de la voie écrite par l'expéditeur est transmise dans le préambule et n'est point taxée.

Les Hautes Parties Contractantes s'engagent à éviter, autant qu'il sera possible, les variations de taxe qui pourraient résulter des interruptions de service des conducteurs sous-marins.

SECTION 3.—*Des Taxes Spéciales.*

XXI.

La taxe *du collationnement* est égale à la moitié de celle de la dépêche, toute fraction de quart de franc étant comptée comme un quart de franc.

XLII.

La taxe de l'accusé de réception est égale à celle d'une dépêche simple.

XLIII.

La taxe des réponses payées et des accusés de réception à diriger sur un point autre que le lieu d'origine de la dépêche primitive est calculée d'après le tarif qui est applicable entre le point d'expédition de la réponse ou de l'accusé de réception et son point de destination.

XLIV.

Les dépêches adressées à plusieurs destinataires, ou à un même destinataire dans des localités desservies par des bureaux différents, sont taxées comme autant de dépêches séparées.

Les dépêches adressées, dans une même localité, à plusieurs destinataires, ou à un même destinataire à plusieurs domiciles, avec ou sans réexpédition par la poste, sont taxées comme une seule dépêche ; mais il est perçu, à titre de droit de copie, autant de fois un demi-franc qu'il y a de destinations, moins une.

XLV.

Il est perçu, pour toute copie délivrée conformément à l'Article XXIII, un droit fixe d'un demi-franc par copie.

XLVI.

Les dépêches de toute nature qui doivent être remises à destination par voie postale ou déposées poste-restante sont remises à la poste, comme lettres recommandées, par le bureau télégraphique d'arrivée, sans frais pour l'expéditeur ni pour le destinataire, sauf dans les deux cas suivants :

1. *Les correspondances qui doivent traverser la mer, soit par suite d'interruption des lignes télégraphiques sous-marines, soit pour atteindre des pays non reliés au réseau télégraphique des États Contractants, sont soumises à une taxe variable dans les limites de deux francs et demi, à percevoir par le bureau d'origine. Le montant de*

cette taxe est fixé, une fois pour toutes, par l'Administration qui se charge de l'expédition, et notifié à toutes les autres Administrations.

2. *Les dépêches transmises à un bureau télégraphique situé près d'une frontière, pour être expédiées par poste sur le territoire voisin, sont déposées à la boîte comme lettres non-affranchies, et le port est à la charge du destinataire.*

Toutefois, si la communication télégraphique franchissant la frontière est matériellement interrompu, il est procédé conformément à l'Article XV.

XLVII.

La taxe des dépêches à échanger avec les navires en mer, par l'intermédiaire des sémaphores, est fixée à *deux francs, par dépêche simple de 20 mots.*

SECTION 4.—*De la Perception.*

XLVIII.

La perception des taxes a lieu au départ.

Sont toutefois perçus, à l'arrivée, sur le destinataire :—

1. La taxe des dépêches expédiées de la mer par l'intermédiaire des sémaphores ;

2. La taxe complémentaire des dépêches à faire suivre ;

3. Les frais de transport au-delà des bureaux télégraphiques, par un moyen plus rapide que la poste, dans les États où un service de cette nature est organisé.

Toutefois, l'expéditeur d'une dépêche avec accusé de réception peut affranchir ce transport, moyennant le dépôt d'une somme qui est déterminée par le bureau d'origine, sauf liquidation ultérieure. L'accusé de réception fait connaître le montant des frais déboursés.

Dans tous les cas où il doit y avoir perception à l'arrivée, la dépêche n'est délivrée au destinataire que contre paiement de la taxe due.

XLIX.

Les taxes perçues en moins, *soit* par erreur, *soit* par suite de refus du destinataire *ou de l'impossibilité de le trouver*, doivent être complétées par l'expéditeur.

Les taxes perçues en plus par erreur sont de même remboursées aux intéressés.

SECTION 5.—*Des Franchises.*

L.

Les dépêches relatives au service des télégraphes internationaux des États Contractants sont transmises en franchise sur tout le réseau des dits États.

SECTION 6.—*Des Délaxes et Remboursements.*

LI.

Est remboursée à l'expéditeur par l'*Administration* qui l'a perçue, sauf recours contre les autres *Administrations*, s'il y a lieu:—

1. La taxe intégrale de toute dépêche *qui a éprouvé un retard notable*, ou qui n'est pas parvenue à destination par le fait du service télégraphique;

2. *La taxe intégrale de toute dépêche collationnée qui, par suite d'erreurs de transmission, n'a pu manifestement remplir son objet.*

En cas d'interruption d'une ligne sous-marine, l'expéditeur *de toute dépêche* a droit au remboursement de la partie de la taxe afférente au parcours non effectué, déduction faite des frais déboursés, le cas échéant, pour remplacer la voie télégraphique par un mode de transport quelconque.

Ces dispositions ne sont pas applicables aux dépêches empruntant les lignes d'un Office non-adhérent qui refuserait de se soumettre à l'obligation du remboursement.

LII.

Dans les cas prévus par l'Article précédent, le remboursement ne peut s'appliquer qu'aux taxes des dépêches mêmes qui ont été omises, retardées ou dénaturées, et non aux correspondances qui auraient été motivées ou rendues inutiles par l'omission, l'erreur ou le retard, sauf dans le cas prévu à l'Article XXXIX.

LIII.

Toute réclamation doit être formée, sous peine de déchéance, dans les *deux* mois de la perception.

Ce délai est porté à 6 mois pour les *dépêches enregistrées*.

TITRE IV.—*De la Comptabilité Internationale.*

LIV.

Les Hautes Parties Contractantes se doivent réciproquement compte des taxes perçues par chacune d'elles.

Le franc sert d'unité monétaire dans l'établissement des comptes internationaux.

Les taxes afférentes aux droits de copie et de transport au-delà des lignes sont dévolues à l'État qui a délivré les copies ou effectué le transport.

Chaque État crédite l'État limitrophe du montant des taxes de toutes les dépêches qu'il lui a transmises, calculées depuis la frontière de ces deux États jusqu'à destination.

Par exception à la disposition précédente, l'État qui transmet une dépêche sémaphorique venant de la mer débite l'État limitrophe

de la part de taxe afférente au parcours entre le point de départ de cette dépêche et la frontière commune des deux États.

Les taxes terminales peuvent être liquidées directement entre États extrêmes, après une entente entre ces États et les États intermédiaires.

Les taxes *peuvent être* réglées *de commun accord*, d'après le nombre des dépêches qui ont franchi *cette* frontière, abstraction faite du nombre des mots et des frais accessoires. *Dans ce cas*, les parts de l'État limitrophe et de chacun des États suivants, *s'il y a lieu*, sont déterminées par des moyennes établies contradictoirement.

LV.

Les taxes perçues d'avance pour réponses payées et accusés de réception *sont acquises* à l'office destinataire, *soit dans les comptes, soit dans l'établissement des moyennes mentionnées au dernier paragraphe de l'Article précédent.*

Les réponses et les accusés de réception *sont traités, dans la transmission et dans les comptes*, comme des dépêches ordinaires.

LVI.

Lorsqu'une dépêche, quelle qu'elle soit, a été transmise par une voie différente de celle qui a servi de base à la taxe, la différence de taxe est supportée par l'office qui a détourné la dépêche.

LVII.

Le règlement réciproque des comptes a lieu à l'expiration de chaque mois.

Le décompte et la liquidation du solde se font à la fin de chaque trimestre.

LVIII.

Le solde résultant de la liquidation est payé à l'État créancier en francs effectifs.

TITRE V.—*Dispositions Générales.*

SECTION 1.—*Des Dispositions Complémentaires et des Conférences.*

LIX.

Les dispositions de la présente Convention sont complétées, en ce qui concerne les règles de détail du service international, par un règlement commun arrêté de concert entre les Administrations Télégraphiques des États Contractants.

Les dispositions de ce règlement entrent en vigueur en même temps que la présente Convention. Elles peuvent être, à toute époque, modifiées d'un commun accord par les dites Administrations.

LX.

Le Bureau International des Administrations Télégraphiques est placé sous la haute autorité de l'Administration supérieure de l'un des États Contractants désigné par la Conférence. Les attributions de ce bureau, dont les frais seront supportés par toutes les Administrations des États Contractants, sont déterminées ainsi qu'il suit :—

Il centralise les renseignements de toute nature relatifs à la télégraphie internationale, rédige le tarif, dresse une statistique générale, procède aux études d'utilité commune dont il serait saisi, et rédige un journal télégraphique en langue Française.

Ces documents *sont* distribués par ses soins aux Offices des États Contractants.

Il *instruit* les demandes de modifications au règlement de service, et, après avoir obtenu l'assentiment unanime des Administrations, *fait* promulguer, en temps utile, les changements adoptés.

LXI.

La présente Convention sera soumise à des révisions périodiques, où toutes les Puissances qui y ont pris part seront représentées.

À cet effet des Conférences auront lieu successivement dans la capitale de chacun des États Contractants, entre les délégués des dits États.

La prochaine réunion aura lieu en 1875, à *St. Pétersbourg*. Toutefois l'époque de cette réunion sera avancée si la demande en est faite par 6 au moins des États Contractants.

SECTION 2.—*Des Réserves.*

LXII.

Les Hautes Parties Contractantes se réservent respectivement le droit de prendre séparément, entre elles, des arrangements particuliers de toute nature, sur les points du service qui n'intéressent pas la généralité des États, notamment :

La formation des tarifs ;

La priorité moyennant surtaxe ;

Un système de dépêches, avec assurance limitée ;

Le règlement des comptes ;

L'adoption d'appareils ou de vocabulaires spéciaux, entre des points et dans des cas déterminés ;

L'application du système des timbres-télégraphe ;

La transmission des mandats d'argent par le télégraphe ;

La perception des taxes à l'arrivée ;

Le service de la remise des dépêches à destination ;

Les dépêches à faire suivre au-delà des limites fixées par l'Article XXVIII.

L'extension du droit de franchise aux dépêches de service qui concernent la météorologie et tous autres objets d'intérêt public.

SECTION 3.—*Des Adhésions.*

LXIII.

Les Etats qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande.

Cette adhésion sera notifiée par la voie diplomatique à celui des Etats Contractants au sein duquel la dernière Conférence aura été tenue, et par cet Etat à tous les autres.

Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention.

Toutefois, en ce qui concerne les tarifs, les Etats Contractants se réservent respectivement d'en refuser le bénéfice aux Etats qui demanderaient à adhérer, sans *conformer* leur tarif à ceux des *Etats intéressés*.

LXIV.

Les exploitations télégraphiques privées qui fonctionnent dans les limites d'un ou de plusieurs Etats Contractants avec participation au service international sont considérées, au point de vue de ce service, comme faisant partie intégrante du réseau télégraphique de ces Etats.

Les autres exploitations télégraphiques privées sont admises aux avantages stipulés par la Convention, moyennant accession à toutes ses clauses obligatoires et sur la notification de l'Etat qui a concédé ou autorisé l'exploitation. Cette notification a lieu conformément au second paragraphe de l'Article précédent.

Cette accession doit être imposée aux exploitations qui relient entre eux deux ou plusieurs des Etats Contractants, pour autant qu'elles soient engagées par leur contrat de concession à se soumettre, sous ce rapport, aux obligations prescrites par l'Etat qui a accordé la concession.

La réserve qui termine l'Article précédent est applicable aussi aux exploitations susmentionnées.

LXV.

Lorsque des relations télégraphiques sont ouvertes avec des Etats non-adhérents, ou avec des exploitations privées qui n'auraient point accédé aux dispositions réglementaires obligatoires de la présente Convention, ces dispositions réglementaires sont invariablement appliquées aux correspondances dans la partie de leur parcours qui emprunte le territoire des Etats Contractants ou adhérents.

Les Administrations intéressées *fixent* la taxe applicable à cette partie du parcours. Cette taxe, *déterminée dans les limites de l'Article XXXIV*, est ajoutée à celle des Offices non-participants.

En foi de quoi, les Délégués respectifs ont signé le présent Acte et l'ont revêtu de leurs cachets.

Fait à Rome, le 14 Janvier, 1872.

- (L.S.) T. MEYDAM, *Directeur-Général Adjoint des Télégraphes de l'Empire d'Allemagne.*
- (L.S.) GUMBART, *Directeur de la Direction-Générale des Communications de Bavière, Division des Télégraphes.*
- (L.S.) DE KLEIN, *Président de la Commission pour la Construction des Chemins de Fer de l'État et de la Direction des Télégraphes du Royaume de Wurtemberg.*
- (L.S.) BRUNNER DE WATTENWYL, *Délégué du Gouvernement Austro-Hongrois.*
- (L.S.) EDMOND D'ARY, *Conseiller Aulique près le Ministère du Commerce de Hongrie, Délégué du Gouvernement Austro-Hongrois.*
- (L.S.) J. VINCHENT, *Inspecteur-Général au Département des Travaux Publics de Belgique.*
- (L.S.) FABER, *Directeur des Télégraphes, Conseiller d'État.*
- (L.S.) MARQUIS DE MONTEMAR, *Ministre d'Espagne.*
- (L.S.) HIPOLITO ARAUJO, *Délégué de l'Espagne.*
- (L.S.) AILHAUD, *Inspecteur-Général des Lignes Télégraphiques de France.*
- (L.S.) ALAN E. CHAMBRE, *Chef (ad interim) des Lignes Télégraphiques Fils Privés, Administration Postes Télégraphes Britanniques.*
- (L.S.) D. ROBINSON, *Colonel, H. B. M. Director-General Indian Telegraphs.*
- (L.S.) J. U. BATEMAN CHAMPAIN, *Major R.E., Chief Director Gov. Indo.-Euro. Telegraph Dep.*
- (L.S.) G. SALACHAS, *Secrétaire de la Légation de Grèce en Italie.*
- (L.S.) ERNEST D'AMICO, *Directeur-Général des Télégraphes Italiens.*
- (L.S.) J. MALVANO, *Délégué du Ministère des Affaires Étrangères d'Italie.*
- (L.S.) F. SALVATORI, *Délégué Adjoint de l'Administration Italienne.*
- (L.S.) ERNEST PONZIO VAGLIA, *Délégué Adjoint de l'Administration Italienne.*
- (L.S.) CARSTEN TANK NIELSEN, *Directeur-en-chef des Télégraphes de Norvège.*
- (L.S.) STARING, *Chef de la Division des Télégraphes au Ministère des Finances des Pays-Bas.*
- (L.S.) J. U. BATEMAN CHAMPAIN, *Major R.E., Délégué du Gouvernement Persan.*

- (L.S.) VALENTIM EVARISTO DO REGO, *Inspecteur-Général des Lignes Télégraphiques de Portugal.*
- (L.S.) LE GÉNÉRAL PRINCE J. GHICA, *Délégué de la Roumanie.*
- (L.S.) C. DE LÜDERS, *Conseiller Privé, Directeur-Général des Télégraphes de Russie.*
- (L.S.) MLADEN Z. RADOYCOVITCH, *Secrétaire du Département des Postes et des Télégraphes de Serbie.*
- (L.S.) P. BRÄNDSTRÖM, *Directeur-Général des Télégraphes de Suède.*
- (L.S.) L. CURCHOD, *Délégué du Conseil Fédéral Suisse.*
- (L.S.) M. IZZET, *Inspecteur-Général des Télégraphes de l'Empire Ottoman.*
- (L.S.) YANCO MACRIDI, *Chef de Division au Ministère des Télégraphes et des Postes de Turquie.*

ANNEXES à la Convention Internationale Télégraphique.

Tableaux des Taxes fixées pour servir à la Formation des Tarifs Internationaux en exécution de l'Article XXXIV de la Convention.

(A.) Taxes terminales.

(La taxe terminale est celle qui revient à chaque État pour les correspondances en provenance ou à destination de ses bureaux.)

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|-----------|--|
| | | Frs. cts. | |
| Allemagne | 1. Pour les correspondances échangées avec l'Italie et pour toutes les correspondances Européennes transitant par l'Autriche-Hongrie | 2 00 | |
| | 2. Pour toutes les autres correspondances | 3 00 | Taxe commune avec les Pays-Bas pour les correspondances transitant par cet État. |
| Autriche-Hongrie | 1. Pour les correspondances échangées par la voie de l'Allemagne : | | |
| | a. Avec les Pays-Bas | 1 00 | |
| | b. Avec la France et la Grande-Bretagne. | 1 50 | |
| | 2. Pour les correspondances échangées avec la Belgique et la Grande-Bretagne et transitant par la France, et pour toutes les correspondances Européennes qui transitent par l'Allemagne, et qui ne sont pas mentionnées sous le No. 1 | 2 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | | Observations. |
|--|--|---------------------------------|---|---|
| Autriche-Hongrie (suite) | 3. Pour toutes les autres correspondances | Frs. cts. | 3 00 | Taxe commune : 1. Avec la Suisse pour toute dépêche qui transite par cet État; 2. Avec l'Italie pour toute dépêche qui transite par cet État en franchissant la frontière Franco-Italienne. À ajouter à la taxe terminale de l'Autriche-Hongrie. |
| | <i>Taxe supplémentaire pour le Monténégro</i> | | 0 50 | |
| Belgique. | Pour toutes les correspondances | 1 | 00 | |
| Danemark | Pour toutes les correspondances | 1 | 00 | |
| Espagne . | Pour toutes les correspondances | 2 | 50 | |
| France .. | 1. Pour les correspondances échangées avec le Portugal et les Pays-Bas | 2 | 00 | |
| | 2. Pour toutes les autres | 3 | 00 | |
| | <i>Taxes de la Compagnie du Câble de Coudances à Jersey :</i> | | | |
| | Pour toutes les correspondances | 3 | 00 | |
| France (Algérie, Tunisie et Cochin- chine) | Pour toutes les correspondances | 2 | 00 | |
| | | Entre les côtes du Continent et | | |
| Grande - Bretagne et Irlande | Pour les correspondances échangées par les voies suivantes : | Londres. | Les autres bureaux de la Grande Bretagne et de l'Irlande (y compris les Iles de la Manche par la voie de la Grande Bretagne). | |
| | | Frs. cts. | Frs. cts. | |
| | 1. Allemagne | 4 | 00 | Ces deux taxes sont réduites uniformément à 3 f. 50 c. pour les correspondances de la Suède. |
| | 2. Belgique | 3 | 00 | |
| | 3. Danemark | 5 | 00 | La taxe de Londres est réduite d'un franc pour les correspondances de la Russie. |
| | 4. France | 3 | 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | | Observations. |
|---------------------------------------|---|---------------------------------|---|---|
| | | Entre les côtes du Continent et | | |
| | | Londres. | Les autres bureaux de la Grande Bretagne et de l'Irlande (y compris les Iles de la Manche par la voie de la Grande Bretagne). | |
| | | Frs. cts. | Frs. cts. | |
| Grande - Bretagne et Irlande (suite) | 5. Norwège | 4 50 | 4 50 | La taxe de Londres est réduite d'un franc pour les correspondances de la Russie. Ces deux taxes sont réduites uniformément à 3 fr. pour les correspondances de la Suède. |
| | 6. Pays-Bas | 4 00 | 5 00 | |
| Grande - Bretagne (Inde-Britannique). | (A.) <i>Taxe des Câbles du Golfe Persique :</i> 1. De Fao à Bushire 2. De Fao aux autres bureaux du Golfe Persique 3. De Bushire aux bureaux du Golfe Persique autres que Fao | | 15 00 46 00 31 00 | |
| | (B.) <i>Taxes des Indes proprement dites :</i> Par toutes les frontières— a. Pour les bureaux à l'Ouest de Chittagong, y compris Kurrachée b. Pour l'île de Ceylan c. Pour les bureaux à l'Est de Chittagong | | 10 00 15 00 17 50 | |
| Grèce .. | 1. À partir de Volo : a. Pour la Grèce Continentale b. Pour les Iles d'Ithaque, Céphalonie, Zante, et Spezzia c. Pour les Iles de Corfou et de Syra .. | | 1 00 2 50 4 00 | Taxe commune entre le Gouvernement Hellénique et la Compagnie des Câbles. |
| | 2. À partir de Corfou : a. Pour la Grèce Continentale b. Pour les Iles de Zante, Céphalonie, Ithaque et Spezzia c. Pour l'île de Syra | | 4 00 5 50 7 00 | |
| Italie .. | 1. Pour les correspondances échangées avec l'Allemagne, la Belgique et les Pays-Bas 2. Pour les correspondances échangées avec le Danemark, l'Espagne, la Grèce, le Luxembourg, la Norwège, le Portugal, la Roumanie, la Serbie et la Suède 3. Pour toutes les autres | | 2 00 2 50 3 00 | |
| | <i>Taxes de la Compagnie dite Mediterranean Extension Telegraph Company.</i> Pour les correspondances échangées avec Malte et Corfou Pour toutes les correspondances | | 3 00 0 50 | |
| Luxemb - bourg | | | | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------|---|-------------------|---------------|
| Norwège . | Pour toutes les correspondances | Frs. cts. 1 50 | |
| Pays-Bas . | 1. Pour les correspondances échangées : a. Avec l'Autriche-Hongrie, le Danemark, la France, la Norwège, la Suède et la Suisse par la voie de l'Allemagne. | 0 50 | |
| | b. Avec l'Italie, Malte, Corfou et la Suisse par la voie de la Belgique et de la France | 0 50 | |
| | 2. Pour toutes les autres | 1 00 | |
| Pays-Bas (Indes Néerlandaises) | Pour les correspondances échangées avec : a. Batavia et Weltevreden | 1 00 | |
| | b. Java (ouest de Samarang) et Sumatra . | 2 50 | |
| | c. Java (est de Samarang) | 5 00 | |
| Perse .. | Pour toutes les correspondances | 7 50 | |
| Portugal . | Pour toutes les correspondances | 1 00 | |
| Roumanie | Pour toutes les correspondances | 1 00 | |
| Russie .. | 1. À partir des frontières d'Europe : a. Pour la Russie d'Europe | 5 00 | |
| | b. „ „ du Caucase | 8 00 | |
| | c. „ „ d'Asie, à l'ouest du méridien de Tomsk | 13 00 | |
| | d. Pour la Russie d'Asie entre les méridiens de Tomsk et de Werkne-Oudinsk | 21 00 | |
| | e. Pour la Russie d'Asie, entre le méridien de Werkne-Oudinsk et les côtes de l'Océan Pacifique | 37 00 | |
| | 2. À partir de la frontière de Perse ou de celle de la Turquie d'Asie, sauf le cas spécifié dans l'alinéa 3 : a. Pour la Russie du Caucase | 4 00 | |
| | b. Pour la Russie d'Europe | 12 00 | |
| | c. Pour la Russie d'Asie, à l'ouest du méridien de Tomsk | 13 00 | |
| | d. Pour la Russie d'Asie, entre les méridiens de Tomsk et de Werkne-Oudinsk | 21 00 | |
| | e. Pour la Russie d'Asie, entre le méridien de Werkne-Oudinsk et les côtes de l'Océan Pacifique | 40 00 | |
| | 3. À partir de la frontière de Perse, pour les correspondances échangées avec les Indes et les pays au-delà des Indes : a. Pour la Russie du Caucase | 16 00 | |
| | b. „ „ d'Europe | 24 00 | |
| | c. „ „ d'Asie (1re région) | 26 00 | |
| | d. „ „ „ (2me région) | 34 00 | |
| | e. „ „ „ (3me région) | 48 00 | |
| | 4. À partir de la côte de l'Océan Pacifique | 40 00 | |
| Serbie .. | Pour toutes les correspondances | 1 00 | |
| Suède .. | Pour toutes les correspondances | 2 50 | |
| Suisse .. | Pour toutes les correspondances | 1 00 | |
| Turquie . | 1. Pour les correspondances échangées avec l'Europe (voie de la Roumanie et de la Serbie) et les correspondances échangées avec la Grèce, la Roumanie et la Serbie : Pour les bureaux de la Turquie d'Europe | 3 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|--|-----------|---------------|
| | | Frs. cts. | |
| Turquie.. (suite) | Pour les bureaux de la Turquie d'Asie : | | |
| | a. Ports de mer | 7 00 | |
| | b. Intérieur | 11 00 | |
| | 2. Correspondances échangées avec l'Europe (par les autres frontières) : | | |
| | Pour les bureaux de la Turquie d'Europe | 4 00 | |
| | Pour les bureaux de la Turquie d'Asie : | | |
| | a. Ports de mer | 8 00 | |
| | b. Intérieur | 12 00 | |
| | 3. Correspondances échangées avec la Perse : | | |
| | a. Turquie d'Asie (1re région) | 9 00 | |
| | b. " " (2me région) | 13 50 | |
| | c. " d'Europe | 17 50 | |
| | 4. Correspondances échangées avec les Indes : | | |
| | a. Turquie d'Asie (1re région) | 10 00 | |
| | b. " " (2me région) | 15 00 | |
| | c. " d'Europe | 20 00 | |
| | 5. Taxes à partir de la frontière de Poti : | | |
| | a. Pour les bureaux de la Turquie d'Asie, situés dans un rayon de 375 kilomètres à partir de la frontière | 3 00 | |
| | b. Pour les autres bureaux de la Turquie d'Asie et pour les bureaux de la Turquie d'Europe (ports de mer) | 5 00 | |
| | c. Pour les bureaux de la Turquie d'Europe (intérieur) | 8 00 | |
| | 6. Taxes à partir de la frontière d'El-Arich : | | |
| | a. Pour les bureaux de la Turquie d'Asie (ports de mer) | 4 00 | |
| | b. Pour les bureaux de la Turquie d'Asie (intérieur) | 8 00 | |
| | c. Pour les bureaux de la Turquie d'Europe | 12 00 | |
| | N.B. Pour toutes les correspondances, la taxe terminale de l'Égypte, à partir de la frontière d'El-Arich, est de | 9 00 | |

(B.) *Taxes de Transit.*

(La taxe de transit est celle qui revient à chaque État pour les correspondances qui traversent son territoire.)

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|--|-----------|---------------|
| | | Frs. cts. | |
| Allemagne | 1. Pour les correspondances échangées par l'Autriche-Hongrie avec les Pays-Bas, la France et la Grande Bretagne .. | 1 50 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|-----------|--|
| | | Frs. cts. | |
| Allemagne (suite) | 2. Pour les autres correspondances Européennes franchissant la frontière Austro-Allemande, et pour les correspondances échangées entre la Belgique et la Suisse | 2 00 | |
| | 3. Pour les correspondances échangées entre les Pays-Bas, la Belgique, la France, l'Espagne et le Portugal, d'une part, et le Danemark, la Norwège, la Suède, d'autre part, ainsi qu'entre les Pays-Bas et la Suisse | 2 50 | |
| | 4. Pour toutes les autres correspondances.. | 3 00 | |
| Autriche - Hongrie | 1. Pour les correspondances entre l'Allemagne et l'Italie | 1 00 | |
| | 2. Pour les autres correspondances Européennes franchissant la frontière Austro-Allemande | 2 00 | |
| | 3. Pour les autres correspondances échangées par la voie de la France entre la Grande-Bretagne, d'une part, et la Roumanie, la Serbie, la Turquie et la Grèce, d'autre part | 2 00 | |
| | 4. Pour toutes les autres correspondances.. | 3 00 | Taxe commune avec l'Italie ou la Suisse pour toute dépêche qui transite par ces États et par les frontières Franco-Italienne ou Franco-Suisse. |
| Belgique .. | 1. Pour les correspondances échangées par la France entre les Pays-Bas, d'une part, l'Italie, Malte, Corfou et la Suisse, d'autre part | 0 50 | |
| | 2. Pour toutes les autres correspondances.. | 1 00 | |
| Danemark | Pour toutes les correspondances | 1 00 | |
| | <i>Taxes de la Grande Compagnie des Télégraphes du Nord :</i> | | |
| | 1. Entre la côte du Danemark et celle de la Russie pour toutes les correspondances | 2 00 | |
| | 2. Entre la côte du Danemark et celle de la Norwège : | | |
| | a. Pour les correspondances échangées entre le Danemark et la Norwège .. | 1 00 | |
| | b. Pour toutes les autres | 0 50 | |
| Espagne .. | 1. Pour les correspondances échangées entre la France et le Portugal. | 2 00 | |
| | 2. Pour toutes les autres correspondances.. | 2 50 | |
| France .. | 1. Pour les correspondances échangées entre la frontière de Belgique et les lignes sous-marines de la Manche | 1 00 | |
| | 2. Pour les correspondances échangées par les voies de la Suisse ou de l'Italie et de l'Autriche-Hongrie, entre la Belgique et la Grande-Bretagne, d'une part, et l'Autriche-Hongrie, la Roumanie, la Serbie, la Turquie et la Grèce, d'autre part .. | 1 50 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|--------------------------------------|---|--|---|
| | | Frs. cts. | |
| France .. (suite) | 3. Pour les correspondances échangées, savoir : a. Entre l'Italie d'une part, l'Espagne et le Portugal, d'autre part. b. Entre la Belgique et les Pays-Bas, d'une part, et l'Allemagne, l'Italie et la Suisse, d'autre part 4. Pour les correspondances de l'Allemagne, à l'exception de celles qui passent par la frontière d'Espagne 5. Pour toutes les autres correspondances. . | } 2 00 2 50 3 00 | Le transit de l'Ile de Corse est fixé à 1 fr. |
| Grande - Bretagne et Irlande. | Le transit est taxé en additionnant les taxes jusqu'à Londres et à partir de Londres. | | |
| Grande - Bretagne (Inde-Britannique) | (A.) <i>Taxes des Câbles du Golfe Persique :</i> 1. Entre Fao et Bushire 2. Pour les correspondances des Indes : a. De Fao à Kurrachée b. De Bushire à Kurrachée 3. Pour les correspondances de Penang et de Singapore : a. De Fao à Kurrachée b. De Bushire à Kurrachée 4. Pour les correspondances de Java, de la Cochinchine, de la Chine, du Japon et de l'Australie : a. De Fao à Kurrachée b. De Bushire à Kurrachée (B.) <i>Taxes des Indes proprement dites :</i> Pour toutes les correspondances | 15 00 46 00 31 00 35 00 23 50 27 50 18 50 10 00 | |
| Grèce .. | Entre la frontière de Volo et celle de Corfou | 4 00 | Taxe commune entre le Gouvernement Hellénique et la Compagnie des Câbles. |
| Italie .. | Pour les correspondances échangées, savoir : 1. Par les frontières de France et d'Autriche-Hongrie, entre la Belgique et la Grande-Bretagne, d'une part, et l'Autriche-Hongrie, la Roumanie, la Serbie, la Turquie et la Grèce, d'autre part . . 2. Entre les frontières d'Autriche, de France, et de Suisse 3. Entre les mêmes frontières et Livourne (pour la Corse) 4. Entre la France, d'une part, et l'Algérie et la Tunisie, de l'autre (voie de Malte) 5. Par les frontières de France et de Turquie, entre la Grande-Bretagne, d'une part, et la Grèce et la Turquie, d'autre part 6. Entre Vallona et le point d'atterrissage du câble de Corfou 7. Pour tous les autres transits | 0 50 1 00 1 00 2 00 2 00 1 00 3 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|---|--|---------------|
| | | Frs. cts. | |
| Italie .. (suite) | <i>Taxes de la Compagnie Mediterranean Extension Telegraph :</i> 1. Entre Corfou et le point d'atterrissage du câble à Otrante 2. Entre Malte et le point d'atterrissage du câble en Sicile : a. Pour les correspondances échangées entre l'Italie et l'Algérie et la Tunisie .. b. Pour les autres correspondances .. Pour toutes les correspondances | 3 00 2 00 3 00 0 50 | |
| Luxembourgeois | | | |
| Norvège .. | 1. Pour les correspondances entre le Danemark et la Suède 2. Pour toutes les autres correspondances .. | 1 00 1 50 | |
| Pays-Bas .. | Pour toutes les correspondances | 1 00 | |
| Perse .. | 1. Entre les frontières de Turquie et de Russie 2. Entre les autres frontières : a. Pour les correspondances des Indes .. b. Pour les correspondances de Penang et de Singapore c. Pour les correspondances de Java, de Cochinchine, de Chine, du Japon, et de l'Australie | 13 50 20 00 15 00 12 00 | |
| Portugal .. | Pour toutes les correspondances | 1 50 | |
| Roumanie .. | Pour toutes les correspondances | 1 00 | |
| Russie .. | 1. Pour les correspondances transitant par la Russie d'Europe 2. Pour les correspondances échangées entre l'Europe et la Perse 3. Pour les correspondances entre l'Europe et la Turquie, par la frontière de Poti .. 4. Pour les correspondances entre la Turquie et la Perse, par la frontière de Poti .. 5. Pour les correspondances en provenance ou à destination : a. Des Indes b. De Penang et de Singapore (voie des Indes) c. De Java, de Cochinchine, de la Chine, du Japon, et de l'Australie (voie des Indes) .. 6. Pour les correspondances échangées avec la Chine et le Japon (voie de Wladivostok) | 5 00 16 00 12 00 4 00 32 00 24 50 20 00 40 00 | |
| Serbie .. | Pour toutes les correspondances | 1 00 | |
| Suède .. | Pour les correspondances échangées, savoir : 1. Entre le Danemark, d'une part, et la Norvège ou l'Allemagne, de l'autre .. 2. Entre l'Allemagne et la Norvège .. 3. Entre la frontière de Russie et les autres frontières | 1 00 1 50 2 00 | |
| Suisse .. | 1. Pour les correspondances échangées par la voie de la France, entre la Belgique et la Grande-Bretagne, d'une part, et l'Autriche-Hongrie, la Roumanie, la Serbie, la Turquie et la Grèce, d'autre part 2. Pour toutes les autres correspondances .. | 0 50 1 00 | |

| Désignation des États. | Indication des Correspondances. | Taxe. | Observations. |
|------------------------|--|-----------|---------------|
| | | Frs. cts. | |
| Turquie .. | 1. Pour les correspondances transitant : | | |
| | a. Par la Turquie d'Europe | 3 00 | |
| | b. Par la Turquie d'Asie | 13 50 | |
| | 2. Pour les correspondances échangées entre l'Europe et la Perse : | | |
| | a. Par la Roumanie ou la Serbie | 16 50 | |
| | b. Par les autres frontières de la Turquie d'Europe | 17 50 | |
| | 3. Pour les correspondances échangées entre l'Europe et les Indes : | | |
| | a. Par la Roumanie ou la Serbie | 26 00 | |
| | b. Par les autres frontières | 27 00 | |
| | 4. Pour les correspondances échangées avec Penang et Singapore : | | |
| | a. Par la Roumanie ou la Serbie | 19 00 | |
| | b. Par les autres frontières | 20 00 | |
| | 5. Pour les correspondances échangées avec Java, la Cochinchine, la Chine, le Japon, et l'Australie : | | |
| | a. Par la Roumanie ou la Serbie | 16 00 | |
| | b. Par les autres frontières | 17 00 | |
| | 6. Pour les correspondances échangées avec l'Égypte : | | |
| | a. Par la Roumanie ou la Serbie | 14 00 | |
| | b. Par les autres frontières de la Turquie d'Europe | 15 00 | |
| | 7. Pour les correspondances échangées avec la Russie entre les frontières Européennes et celle de Poti : | | |
| | a. Par la Roumanie ou la Serbie | 11 00 | |
| | b. Par les autres frontières | 12 00 | |
| | 8. Entre les frontières de Hannequin et de Fao | 5 00 | |

N.B. Les taxes applicables jusqu'aux Indes à la correspondance échangée entre Londres, d'une part, et les Indes et les pays au-delà des Indes, d'autre part, sont fixées conformément à la répartition suivante, par les différentes voies actuellement existantes.

Ces taxes sont applicables partiellement aux correspondances échangées avec les pays autres que la Grande Bretagne, en ce sens qu'on ajoutera aux taxes terminales et de transit indiquées dans les tableaux généraux les taxes des tableaux spéciaux vers l'Inde, à partir de la frontière où la voie devient commune.

| | Pour les Indes mêmes. | Pour Penang et Singa- pore. | Pour Java, la Cochin- chine, la Chine, le Japon, et l'Aus- tralie. |
|---|-----------------------------|--------------------------------------|---|
| | Frs. cts. | Frs. cts. | Frs. cts. |
| (A.) <i>Par la Russie :</i> | | | |
| 1. Voie du Câble d'Ekersund, de la Norwège, et de la Suède : | | | |
| Angleterre et câble | 3 50 | 3 50 | 3 50 |
| Norwège | 1 50 | 1 50 | 1 50 |
| Suède | 2 00 | 2 00 | 2 00 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse.. .. . | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |
| 2. Voie du câble de Sonderwig, du Dane- mark, et de la Suède : | | | |
| Angleterre et câble | 4 00 | 4 00 | 4 00 |
| Danemark | 1 00 | 1 00 | 1 00 |
| Suède | 2 00 | 2 00 | 2 00 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |
| 3. Voie du câble de Sonderwig, du Dane- mark, et de Libau : | | | |
| Angleterre et câble.. .. . | 4 00 | 4 00 | 4 00 |
| Danemark | 1 00 | 1 00 | 1 00 |
| Câble de Libau | 2 00 | 2 00 | 2 00 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse.. .. . | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |
| 4. Voie de l'Allemagne : | | | |
| Angleterre et câble.. .. . | 4 50 | 4 50 | 4 50 |
| Allemagne | 2 50 | 2 50 | 2 50 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |

* 9 frs. pour le parcours de la frontière Russe à Téhéran, et 11 de Téhéran à Bushire.

† 6 frs. 75 cts. pour le parcours de la frontière Russe à Téhéran, et 8 frs. 25 cts. de Téhéran à Bushire.

‡ 5 frs. 50 cts. pour le parcours de la frontière Russe à Téhéran, et 6 frs. 50 cts. de Téhéran à Bushire.

| | Pour les Indes mêmes. | Pour Penang et Singa- pore. | Pour Java, la Cochin- chine, la Chine, le Japon, et l'Aus- tralie. |
|--|-----------------------------|--------------------------------------|---|
| | Frs. cts. | Frs. cts. | Frs. cts. |
| 5. Voie des Pays-Bas : | | | |
| Angleterre et câble | 4 00 | 4 00 | 4 00 |
| Pays-Bas et Allemagne (Taxe Commune) | 3 00 | 3 00 | 3 00 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |
| 6. Voie de la Belgique et de l'Allemagne : | | | |
| Angleterre et câble | 3 00 | 3 00 | 3 00 |
| Belgique | 1 00 | 1 00 | 1 00 |
| Allemagne | 3 00 | 3 00 | 3 00 |
| Russie | 32 00 | 24 50 | 20 00 |
| Perse.. .. . | 20* 00 | 15† 00 | 12‡ 00 |
| Golfe Persique (Bushire à Kurrachée) .. | 31 00 | 23 50 | 18 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 100 00 | 80 00 | 67 50 |
| (B.) <i>Par la Turquie :</i> | | | |
| 7. Voie de l'Allemagne et de la Turquie : | | | |
| Angleterre et câble | 5 00 | 5 00 | 5 00 |
| Allemagne | 3 00 | 3 00 | 3 00 |
| Autriche-Hongrie | 3 00 | 3 00 | 3 00 |
| Turquie§ | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |
| 8. Voie des Pays-Bas : | | | |
| Angleterre et câble | 4 00 | 4 00 | 4 00 |
| Pays-Bas | 1 00 | 1 00 | 1 00 |
| Allemagne | 3 00 | 3 00 | 3 00 |
| Autriche-Hongrie | 3 00 | 3 00 | 3 00 |
| Turquie§ | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |

* 9 frs. pour le parcours de la frontière Russe à Téhéran, et 11 frs. de Téhéran à Bushire.

† 6 frs. 75 cts. pour le parcours de la frontière Russe à Téhéran, et 8 frs. 25 cts. de Téhéran à Bushire.

‡ 5 frs. 50 cts. pour le parcours de la frontière Russe à Téhéran, et 6 frs. 50 cts. de Téhéran à Bushire.

§ Y compris le transit éventuel par la Roumanie ou la Serbie.

| | Pour les Indes mêmes. | Pour Penang et Singa- pore. | Pour Java, la Cochin- chine, la Chine, le Japon, et l'Aus- tralie. |
|---|-----------------------------|--------------------------------------|---|
| | Frs. cts. | Frs. cts. | Frs. cts. |
| 9. Voie de la Belgique et de la Turquie : | | | |
| Angleterre et câble | 4 00 | 4 00 | 4 00 |
| Belgique | 1 00 | 1 00 | 1 00 |
| Allemagne | 3 00 | 3 00 | 3 00 |
| Autriche-Hongrie | 3 00 | 3 00 | 3 00 |
| Turquie* | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |
| 10. Voie de la France et de l'Allemagne : | | | |
| Angleterre et câble | 3 00 | 3 00 | 3 00 |
| France | 3 00 | 3 00 | 3 00 |
| Allemagne | 2 50 | 2 50 | 2 50 |
| Autriche-Hongrie | 2 50 | 2 50 | 2 50 |
| Turquie* | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |
| 11. Voie de la France, de la Suisse, et de l'Autriche-Hongrie : | | | |
| Angleterre et câble | 3 00 | 3 00 | 3 00 |
| France | 3 00 | 3 00 | 3 00 |
| Suisse | 2 00 | 2 00 | 2 00 |
| Autriche-Hongrie | 3 00 | 3 00 | 3 00 |
| Turquie* | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |
| 12. Voie de la France, de l'Italie, et de l'Au- triche-Hongrie : | | | |
| Angleterre et câble | 3 00 | 3 00 | 3 00 |
| France | 3 00 | 3 00 | 3 00 |
| Italie.. .. . | 2 00 | 2 00 | 2 00 |
| Autriche-Hongrie | 3 00 | 3 00 | 3 00 |
| Turquie* | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. . | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |

* Y compris le transit éventuel par la Roumanie ou la Serbie.

| | Pour les Indes mêmes. | Pour Penang et Singa- pore. | Pour Java, la Cochin- chine, la Chine, le Japon, et l'Aus- tralie. |
|--|-----------------------------|--------------------------------------|---|
| | Frs. cts. | Frs. cts. | Frs. cts. |
| 13. Voie de la France et de l'Italie (Vallona) : | | | |
| Angleterre et câble.. .. | 3 00 | 3 00 | 3 00 |
| France | 3 00 | 3 00 | 3 00 |
| Italie (Vallona) | 5 00 | 5 00 | 5 00 |
| Turquie | 27 00 | 20 00 | 17 00 |
| Golfe Persique (Fao à Kurrachée) .. | 46 00 | 35 00 | 27 50 |
| Indes.. .. | 10 00 | 10 00 | 10 00 |
| | 94 00 | 76 00 | 65 50 |

Fait à Rome, le 14 Janvier, 1872.

T. MEYDAM.

GUMBART.

DE KLEIN.

BRUNNER.

ARY.

J. VINCENT.

FABER.

MARQUIS DE MONTEMAR.

ARAUJO.

AILHAUD.

ALAN E. CHAMBRE.

D. ROBINSON.

J. U. BATEMAN CHAMPAIN.

G. SALACHAS.

ERNEST D'AMICO.

J. MALVANO.

F. SALVATORI.

ERNEST PONZIO VAGLIA.

C. NIELSEN.

STARING.

J. U. BATEMAN CHAMPAIN.

VALENTIM DO REGO.

LE GÉNÉRAL PRINCE J. GHIKA.

C. DE LÜDERS.

RADOYCOVITCH.

BRÄNDSTRÖM.

CURCHOD.

M. IZZET.

YANCO MACRIDI.

RÈGLEMENT de Service International destiné à compléter les Dispositions de la Convention Télégraphique.

I.

(Article I de la Convention.)

1. Les fils spécialement affectés au service international reçoivent une notation particulière sur la Carte Officielle dressée conformément à l'Article XXXIV du présent Règlement.

2. Ces fils sont désignés sous le nom de fil international de à

3. Ils ne servent, autant que possible, qu'aux relations entre les deux villes désignées comme leurs points extrêmes.

4. Ils peuvent être détournés de cette affectation spéciale en cas de dérangement des lignes ; mais ils doivent y être ramenés dès que le dérangement a cessé.

5. Les Administrations Télégraphiques concourent, dans les limites de leur action respective, à la sauvegarde des fils internationaux et des câbles sous-marins ; elles combinent, pour chacun d'eux, les dispositions qui permettent d'en tirer le meilleur parti.

6. Les chefs de service des circonscriptions voisines des frontières s'entendent directement pour assurer, en ce qui les concerne, l'exécution de ces mesures.

7. Les Administrations indiquent, sur chaque fil, un ou plusieurs bureaux intermédiaires, obligés de prendre les correspondances en passage, si la transmission directe entre les bureaux extrêmes est impossible.

II.

(Article II de la Convention.)

Les notations suivantes sont adoptées dans les tarifs internationaux pour désigner les bureaux télégraphiques :—

N bureau à service permanent (de jour et de nuit) ;

$\frac{N}{2}$ bureau à service de jour prolongé jusqu'à minuit ;

C bureau à service de jour complet ;

L bureau à service limité (c'est-à-dire, ouvert, pendant un nombre d'heures moindre que les bureaux à service de jour complet) ;

| | |
|---|--|
| B bureau ouvert pendant la | } Ces notations peuvent se combiner avec les précédentes ; |
| saison des bains seulement ; | |
| H bureau ouvert seulement pendant la saison d'hiver ; | |

$\frac{L}{BC}$ bureau ouvert avec service complet dans la saison des bains, et limité pendant le reste de l'année ;

$\frac{L}{HC}$ bureau ouvert avec service complet pendant l'hiver et limité pendant le reste de l'année ;

E bureau ouvert seulement pendant le séjour de la Cour :

- F station de chemin de fer ouverte à la correspondance des particuliers ;
- P bureau appartenant à une compagnie privée ;
- * bureau à ouvrir prochainement ;
- S sémaphorique.

III.

(Article VII de la Convention.)

1. Tout bureau qui reçoit par un fil international un télégramme présenté comme dépêche d'État ou de service, le réexpédie comme tel.

2. Les dépêches des Agents Consulaires, auxquelles s'applique le paragraphe 3 de l'Article VII de la Convention, ne sont pas refusées par le bureau de départ ; mais celui-ci les signale immédiatement à l'Administration centrale.

3. Les dépêches émanant des divers bureaux et relatives aux incidents de transmission circulent sur le réseau international comme dépêches de service.

IV.

(Article VIII de la Convention.)

1. *Le droit d'émettre une réponse comme dépêche d'État est établi par la production de la dépêche d'État primitive.*

2. *Pour les dépêches d'État sémaphoriques expédiées d'un navire en mer, le sceau est remplacé par le signe distinctif du commandement. Le nom du bâtiment doit être désigné.*

3. Chaque État désigne, s'il le juge convenable, les fonctionnaires ou magistrats chargés, dans chaque ville, de légaliser les signatures des expéditeurs. Dans ce cas, chacun des bureaux de cet État s'assure de la sincérité des légalisations qui lui sont présentées, et transmet, après la signature, la formule suivante :—

“Signature légalisée par (qualité du fonctionnaire ou magistrat).”

4. Cette mention entre dans le compte des mots taxés.

5. Dans tout autre cas, la légalisation est taxée et transmise telle qu'elle est libellée.

V.

(Article IX de la Convention.)

1. En règle générale, les dépêches de service sont rédigées en Français ; toutefois, les diverses Administrations peuvent s'entendre entre elles pour l'usage d'une autre langue.

2. *Cette disposition est applicable aux indications du préambule, aux avis de service ou d'office, qui accompagnent la transmission des correspondances.*

VI.

(Article X de la Convention.)

1. Dans les dépêches qui sont composées en lettres ou chiffres secrets, l'adresse et la signature doivent être écrites en langage ordinaire.

Le texte *des dépêches privées* peut être, soit entièrement chiffré, soit en partie chiffré et en partie clair. Dans ce dernier cas les passages chiffrés doivent être placés entre deux parenthèses, les séparant du texte ordinaire qui précède ou qui suit. Le texte chiffré doit être composé exclusivement de lettres de l'alphabet ou exclusivement de chiffres Arabes.

VII.

(Article XI de la Convention.)

1. Les tableaux ci-dessous indiquent les signaux employés dans le service des appareils Morse et Hughes :—

*Signaux de l'Appareil Morse.**Lettres.*

| | | |
|--------|-----------|---|
| a | — — | Espacement et longueur des signes. |
| ä | — — — — | |
| á ou â | — — — — — | 1. Une barre est égale à 3 points. |
| b | — — — — | 2. L'espace entre les signaux d'une même lettre est égal à 1 point. |
| c | — — — — | 3. L'espace entre deux lettres est égal à 3 points. |
| ch | — — — — — | 4. L'espace entre deux mots est égal à 5 points. |
| d | — — — | |
| e | — | |
| é | — — — — — | |
| f | — — — — | |
| g | — — — — | |
| h | — — — — | |
| i | — — | |
| j | — — — — — | |
| k | — — — — | |
| l | — — — — | |
| m | — — — | |
| n | — — — | |
| ñ | — — — — — | |
| o | — — — — | |
| ö | — — — — — | |
| p | — — — — — | |
| q | — — — — — | |
| r | — — — — | |
| s | — — — — | |
| t | — — | |
| u | — — — — | |
| ü | — — — — — | |
| v | — — — — — | |

W — — — —
 X — — — —
 Y — — — —
 Z — — — —

Chiffres.

1 — — — — —
 2 — — — — —
 3 — — — — —
 4 — — — — —
 5 — — — — —
 6 — — — — —
 7 — — — — —
 8 — — — — —
 9 — — — — —
 0 — — — — —

Barre de fraction — — — — —

On peut aussi employer, pour exprimer les chiffres, les signaux suivants, mais seulement dans les répétitions d'office :—

— — 1
 — — — 2
 — — — — 3
 — — — — — 4
 — — — — — 5
 — — — — — 6
 — — — — — 7
 — — — — 8
 — — — 9
 — — 0
 — — — Barre de fraction.

Signaux de Ponctuation et autres.

| | | |
|--|-----|-----------|
| Point | (.) | — — — — — |
| Point et virgule | (;) | — — — — — |
| Virgule | (,) | — — — — — |
| Deux points | (:) | — — — — — |
| Point d'interrogation ou demande de répétition d'une transmission non comprise | (?) | — — — — — |
| Point d'exclamation.. .. . | (!) | — — — — — |
| Apostrophe | (') | — — — — — |
| Alinéa | | — — — — — |
| Trait d'union | (-) | — — — — — |
| Parenthèses (avant et après les mots) .. | () | — — — — — |
| Guillemets | (") | — — — — — |
| Souligné (avant et après les mots ou le membre de phrase) | | — — — — — |

*Signal séparant le préambule de l'adresse,
l'adresse du texte et le texte de la signa-
ture*

Indications de Service.

| | | | | | |
|--|----|----|----|----|-------|
| Dépêche d'État | .. | .. | .. | .. | --- |
| Dépêche de service | .. | .. | .. | .. | --- |
| Dépêche privée | .. | .. | .. | .. | ----- |
| Appel (préliminaire de toute transmission) | | | | | ----- |
| Compris | .. | .. | .. | .. | ----- |
| Erreur.. | .. | .. | .. | .. | ----- |
| Fin de la transmission | .. | .. | .. | | ----- |
| Invitation à transmettre | .. | .. | .. | | ----- |
| Attente | .. | .. | .. | .. | ----- |
| Réception terminée | .. | .. | .. | .. | ----- |

Signaux de l'Appareil Hughes.

Lettres.

A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V,
W, X, Y, Z.

Chiffres.

1, 2, 3, 4, 5, 6, 7, 8, 9, 0.

Signes de Ponctuation et Autres.

Point, virgule, point virgule, deux points, point d'interrogation, point d'exclamation, apostrophe, croix +, trait d'union, E accentué, barre de fraction /, double trait =, parenthèse de gauche (, parenthèse de droite), &, guillemet “.

Dans la transmission ou dans le collationnement d'un nombre fractionnaire non décimal, le nombre entier doit être séparé par un blanc du numérateur de la fraction ordinaire qui suit. Exemple : 1 3/4, et non 13/4.

Les mots et passages soulignés sont précédés et suivis de deux traits d'union (Exemple : — — dépêche télégraphique — —), et soulignés à la main par l'employé d'arrivée.

Indications de Service.

| | |
|---------------------|-----|
| Dépêches d'État | S ; |
| Dépêches de service | A ; |
| Dépêches privées | P ; |

Pour appeler le poste avec lequel on est en communication ou pour lui répondre : le blanc et l'N répétés alternativement ;

Pour régler le synchronisme et demander dans ce but la répétition prolongée du même signe : une combinaison composée du blanc, de l'I et du T, reproduite autant de fois qu'il est nécessaire ;

Pour demander ou faciliter le réglage de l'électro-aimant : une combinaison formée des 4 signaux suivants, le blanc, l'I, l'N, et le T, répétée autant de fois qu'il est nécessaire ;

Pour donner attente : la combinaison ATT, suivie de la durée probable de l'attente ;

Pour indiquer une erreur : 2 ou 3 N consécutifs, sans aucun signe de ponctuation ;

Pour interrompre la transmission du bureau correspondant : 2 ou 3 lettres quelconques convenablement espacées.

Les accents sur E sont tracés à la plume ou au crayon noir à la fin des mots (avec ou sans s) et lorsqu'ils sont essentiels au sens (Ex. Achète, acheté). Dans ce dernier cas, le transmetteur répète le mot après la signature, en y faisant figurer l'E accentué entre deux blancs, pour appeler l'attention du poste qui reçoit. Pour ä, ö, et ü, on transmet respectivement ae, oe, et ue.

2. La signature n'est pas transmise dans les dépêches de service ; l'adresse de ces dépêches affecte la forme suivante :—

Paris de Saint Pétersbourg.

Directeur-Général à Directeur-Général.

3. Quand il s'agit de communications échangées entre bureaux, au sujet des incidents de la transmission, on *transmet* simplement le *texte de la dépêche, sans adresse ni signature.*

4. L'adresse des dépêches privées doit toujours être telle que la remise au destinataire puisse avoir lieu sans recherches ni demandes de renseignements.

5. Elle doit comprendre, pour les grandes villes, la mention de la rue et du numéro, ou, à défaut de ces indications, celle de la profession du destinataire ou autres analogues.

6. Pour les petites villes même, le nom du destinataire doit être, autant que possible, accompagné d'une indication complémentaire capable de guider le bureau d'arrivée en cas d'altération de nom propre.

7. La mention du pays dans lequel est située la résidence du destinataire est obligatoire, sauf les cas où cette résidence est une capitale ou une ville importante ; elle est comprise dans le nombre des mots soumis à la taxe.

8. Les dépêches dont l'adresse ne contient pas ces renseignements doivent néanmoins être transmises.

9. Dans tous les cas l'expéditeur supporte les conséquences de l'insuffisance de l'adresse.

10. L'adresse des dépêches à transporter au-delà des lignes télégraphiques est formulée ainsi qu'il suit : “ M. Müller, Stégliz exprès (ou poste), Berlin,” le nom du bureau télégraphique d'arrivée étant exprimé le dernier.

11. L'adresse des dépêches à destination des navires en mer doit comprendre, outre les indications ordinaires, le nom ou le numéro officiel du bâtiment destinataire et sa nationalité.

VIII.

(Article XII de la Convention.)

1. Les dépêches d'État ou de service ne sont pas comptées dans l'ordre alternatif des dépêches privées, transmises par l'appareil Morse.

2. La transmission des dépêches échangées par l'appareil Hughes s'effectue par séries alternatives. La série est limitée à 5 dépêches, de quelque nature qu'elles soient, d'État, de service ou privées. Ces 5 dépêches sont considérées comme formant une seule transmission qui ne doit être interrompue que dans le cas d'urgence exceptionnelle. Toute dépêche de 100 mots ou au-dessus est considérée comme formant une seule série. *Ce mode de transmission peut être appliqué à l'appareil Morse sur les lignes importantes dont le travail est continu.*

3. *Le bureau qui a transmis une série est en droit de continuer, lorsqu'il survient une dépêche d'État ou de service à laquelle la priorité de transmission est accordée, à moins que le bureau qui vient de recevoir n'ait déjà commencé de transmettre à son tour.*

4. Toute correspondance entre deux bureaux commence par le signal d'appel.

5. Le bureau appelé doit répondre immédiatement, en donnant son indicatif, et, s'il est empêché de recevoir, le signal d'attente, suivi d'un chiffre indiquant la durée probable de l'attente. Si la durée probable excède 10 minutes, l'attente doit être motivée.

6. Lorsque le bureau qui vient d'appeler a reçu, sans autre signal, l'indicatif du bureau qui répond, il transmet dans l'ordre suivant les indications de service, constituant le préambule de la dépêche :

(a.) Nature de la dépêche, au moyen d'une des lettres S, A, quand c'est une dépêche d'État ou de service ;

(b.) Bureau de destination ;*

(c.) Bureau d'origine précédé de la particule de (Exemple : Paris de Bruxelles) ;†

(d.) Numéro de la dépêche ;

(e.) Nombre de mots (dans les dépêches chiffrées on indique : 1, le nombre total des mots qui sert de base à la taxe ; 2, le nombre

* Lorsque la dépêche est à destination d'une localité non pourvue d'un bureau télégraphique, le préambule indique, non la résidence du destinataire, mais le bureau télégraphique par les soins duquel la dépêche doit être remise à destination, ou envoyée à la poste.

† Indiquer le pays ou la situation géographique du bureau d'origine, quand il y a un autre bureau de même nom.

des mots écrits en langue ordinaire ; 3, s'il y a lieu, le nombre des groupes de chiffres ou lettres) ;

(f.) Dépôt de la dépêche (par 3 nombres, date, heure et minute, avec l'indication M ou S [matin ou soir]).

Dans la transmission des dépêches par l'appareil Hughes, la date est donnée sous la forme d'une fraction, dont le numérateur indique le jour et le dénominateur le mois.

(g.) Voie à suivre quand l'expéditeur l'a indiquée par écrit dans sa dépêche.

(h.) Autres indications éventuelles, *collationnement*, accusé de réception, réponse payée, *exprès payé*, *exprès*, *poste*, *bureau restant*, *poste restante*, dépêche sémaphorique, nombre des adresses, à faire suivre, &c.

7. Aucun bureau appelé ne peut refuser de recevoir les dépêches qu'on lui annonce, quelle qu'en soit la destination.

8. On ne doit ni refuser ni retarder une dépêche, si les indications de service ne sont pas régulières. Il faut la recevoir et puis en demander, au besoin, la régularisation au bureau d'origine par une dépêche de service, conformément à l'Article X ci-après.

9. À la suite du préambule spécifié ci-dessus, on télégraphie successivement l'adresse, le texte et la signature de la dépêche.

10. *Dans les dépêches transmises par l'appareil Morse, le signe de séparation (— — — —) est placé entre le préambule et l'adresse, entre l'adresse et le texte, entre le texte et la signature. On termine par le signal de "fin de la transmission."*

11. Dans les dépêches transmises par l'appareil Hughes, *on emploie un double trait (=) pour séparer le préambule de l'adresse, l'adresse du texte, le texte de la signature, et on termine chaque dépêche par la croix (+).*

12. Si l'employé qui transmet s'aperçoit qu'il s'est trompé, il doit s'interrompre par le signal d'erreur, répéter le dernier mot bien transmis, et continuer, à partir de là, la transmission rectifiée.

13. De même, l'employé qui reçoit, s'il rencontre un mot qu'il ne parvient pas à saisir, doit interrompre son correspondant par le même signal et répéter le dernier mot compris en le faisant suivre d'un point d'interrogation. Le correspondant reprend alors la transmission à partir de ce mot, en s'efforçant de rendre ses signaux aussi clairs que possible.

14. Hormis les cas déterminés de concert par les diverses Administrations, il est interdit d'employer une abréviation quelconque en transmettant le texte d'une dépêche, ou de modifier ce texte de quelque manière que ce soit. Toute dépêche doit être transmise telle que l'expéditeur l'a écrite et d'après sa minute, sauf le cas prévu au paragraphe 3 de l'Article XXXVII de la Convention.

15. Aussitôt après la transmission, l'employé qui a reçu compare, pour chaque dépêche, le nombre des mots transmis au nombre annoncé, et, s'il y a une différence, la signale à son correspondant. Si ce dernier s'est simplement trompé dans l'annonce du nombre des mots, il répond : Admis ; sinon, il répète la première lettre de chaque mot jusqu'au passage omis, qu'il rétablit.

16. Toute dépêche donne lieu à un collationnement partiel non taxé, sauf les dépêches *collationnées*, qui sont *répétées* intégralement.

17. Le collationnement se fait à la fin de la transmission de la dépêche.

18. À l'appareil Morse, le collationnement est donné par l'employé qui a reçu et immédiatement après la vérification du compte des mots ; le collationnement partiel comprend les noms propres, les nombres (à l'exception du millésime), et les mots douteux ou peu connus. L'employé qui a reçu peut, d'ailleurs, étendre ce collationnement et répéter la dépêche intégralement, s'il le juge indispensable pour mettre sa responsabilité à couvert. De même, l'employé qui a transmis peut exiger la répétition intégrale de la dépêche.

19. Dans la répétition des nombres suivis de fractions, ou des fractions dont le numérateur est formé de deux chiffres ou plus, on doit répéter, en toutes lettres, le numérateur de la fraction, afin d'éviter toute confusion. Ainsi pour $1\frac{1}{16}$ il faut répéter *en Français* 1 un 16, afin qu'on ne lise pas $\frac{1}{16}$; pour $\frac{13}{4}$, il faut répéter 13 4, afin qu'on ne lise pas $1\frac{3}{4}$.

20. La répétition ne peut être retardée *ni* interrompue sous aucun prétexte. Lorsqu'elle est achevée et la dépêche *vérifiée*, le bureau qui a reçu donne à celui qui a transmis le signal de réception terminée, lequel est immédiatement répété par le correspondant.

21. À l'appareil Hughes le collationnement est donné après chaque dépêche par l'employé qui a transmis. Le collationnement partiel ne comprend que les nombres et les lettres isolées.

22. Après la transmission de la série, le bureau d'arrivée accuse réception du nombre des dépêches reçues, en distinguant les dépêches *d'État* ou de service des dépêches privées. Cet accusé de réception prend la forme suivante : "*Nos. 316, 520 S, 741, 72 A, 1659 RRR.*"

23. L'échange des rectifications s'effectue après la transmission de chaque série suivant la formule : En No. . . . lire, &c.

24. Les rectifications relatives à des dépêches d'une série précédemment transmise sont faites par avis de service adressés aux bureaux de destination. Ces avis rappellent le nom et l'adresse des destinataires.

25. Les demandes de renseignements qui se produisent dans les mêmes conditions font également l'objet d'un avis de service.

26. Dans les deux systèmes d'appareil, la transmission de la dépêche ou de la série terminée, le bureau qui vient de recevoir transmet à son tour, s'il a une dépêche ; sinon, l'autre continue. Si de part et d'autre il n'y a rien à transmettre, les deux bureaux se donnent réciproquement le signal zéro.

27. S'il arrive que, par suite d'interruption ou par une autre cause quelconque, on ne puisse recevoir la répétition, cette circonstance n'empêche pas la remise de la dépêche au destinataire, *sauf à lui communiquer ultérieurement la rectification, le cas échéant.*

28. Les dépêches provenant d'un navire en mer sont transmises à destination en signaux du code commercial, lorsque le navire expéditeur l'a demandé.

29. Dans le cas où cette demande n'a pas été faite, les dépêches sont traduites en langage ordinaire par le préposé du poste sémaphorique et transmises à destination.

IX.

(Article XIII de la Convention.)

1. Entre deux bureaux d'États différents communiquant par un fil direct, la clôture est donnée par celui qui appartient à l'État dont la capitale a la position la plus occidentale.

2. Cette règle s'applique à la clôture des procès-verbaux et à la division des séances dans les bureaux à service permanent.

X.

(Article XIV de la Convention.)

1. *Les différentes voies que peuvent suivre les dépêches sont indiquées par des formules concises, arrêtées de commun accord par les Offices intéressés.*

2. *L'expéditeur qui veut prescrire la voie à suivre doit écrire lui-même, en marge de sa minute, la formule correspondante. Cette formule est transmise dans le préambule.*

3. Les avis de service relatifs à une dépêche précédemment transmise sont dirigés, autant que possible, sur les bureaux par où la dépêche primitive a transité. *Ces avis doivent reproduire toutes les indications propres à faciliter les recherches des dépêches primitives, telles que la date de l'expédition, l'adresse et la signature de ces dépêches.*

4. Lorsque les bureaux de passage ont tous les éléments nécessaires pour donner suite aux avis de service, ils prennent les mesures propres à en éviter une réexpédition inutile.

XI.

(Article XV de la Convention.)

1. Les dépêches qui, en cas d'interruption, sont adressées par la poste à un bureau télégraphique, sont accompagnées d'un bordereau.

2. Le bureau qui a reçu les *dépêches* en accuse réception sur le *bordereau* et le renvoie immédiatement au bureau expéditeur. Il renouvelle cet avis au moment du rétablissement des communications télégraphiques par une *dépêche de service* dans la forme suivante :—

“*Reçu 63 dépêches, conformément au bordereau du 30 Mars.*”

3. Quand une *dépêche* est envoyée directement au destinataire dans le cas prévu à l'Article XV de la Convention, elle est accompagnée d'un avis indiquant l'interruption des lignes.

4. Le bureau qui réexpédie par télégraphe des *dépêches déjà transmises par la poste* en informe le bureau sur lequel les *dépêches* ont été dirigées, par un avis de service rédigé dans la forme suivante :—

“*Berlin de Görlitz Nos. . . . dépêches du bordereau No. . . .*”
(ou bien): “*Dépêches Nos. . . . du bordereau No. . . . , réexpédiées par ampliation.*”

5. Lorsque par suite d'une affluence exceptionnelle ou de l'interruption d'une partie des lignes, les *dépêches* en souffrance sont expédiées par poste sur une partie du parcours, le bureau qui fait cette expédition avertit le bureau auquel il l'adresse par une *dépêche de service* indiquant le nombre de télégrammes expédiés et l'heure du courrier.

6. À l'arrivée du courrier, le bureau correspondant transmet, par la même voie, l'accusé de réception du nombre de télégrammes reçus, ou annonce que le pli n'est pas parvenu. Dans ce dernier cas le bureau expéditeur peut, d'après les circonstances, répéter l'envoi par poste, ou transmettre les *dépêches* par voie télégraphique, si les correspondances ultérieures ne doivent pas en souffrir.

XII.

(Article XVI de la Convention.)

Dans le cas où le bâtiment auquel est destinée une *dépêche sémaphorique* n'est pas arrivé dans le terme de 28 jours, le sémaphore en donne avis à l'expéditeur le 29^{me} jour au matin. L'expéditeur a la faculté, en acquittant le prix d'une *dépêche terrestre spéciale*, de demander que le sémaphore continue à présenter sa *dépêche* pendant une nouvelle période de 30 jours, et ainsi de suite; à défaut de cette demande, la *dépêche* sera mise au rebut le 30^{me} jour.

XIII.

(Article XVII de la Convention.)

1. Lorsqu'un expéditeur retire ou arrête sa *dépêche* avant que la transmission en ait été commencée, la taxe lui est remboursée, sous déduction d'un droit fixe d'un demi-franc au profit de l'office d'origine.

2. Si la transmission est commencée, la taxe encaissée reste

acquise aux Offices intéressés à raison du parcours effectué. Le surplus est remboursé à l'expéditeur.

3. Si la dépêche a été transmise, l'expéditeur ne peut en demander l'annulation que par une dépêche adressée au chef du bureau d'arrivée, et dont il acquitte la taxe ; il paie également la réponse, s'il désire être renseigné par voie télégraphique sur la suite donnée à sa demande.

4. Le bureau de départ donne aux dépêches de cette nature la forme indiquée ci-après (*Art. XXV*).

XIV.

(*Article XVIII de la Convention.*)

1. *Une dépêche portée à domicile peut être remise, soit au destinataire, soit aux membres adultes de sa famille, à ses employés, locataires ou hôtes, soit au concierge de l'hôtel ou de la maison, à moins que le destinataire n'ait désigné par écrit un délégué spécial, ou que l'expéditeur n'ait demandé que la remise n'eût lieu qu'entre les mains du destinataire seul.*

2. *Cette dernière demande doit être mentionnée dans l'adresse de la dépêche et reproduite sur l'enveloppe par le bureau d'arrivée, qui donne au porteur les instructions nécessaires pour s'y conformer.*

3. *Lorsqu'une dépêche ne peut pas être remise au destinataire, le bureau d'arrivée envoie au bureau d'origine un avis de service dans la forme suivante :—*

“ No. de (date) adressé à (adresse textuellement conforme à celle qui a été reçue), destinataire inconnu, ou pas encore arrivé, ou déjà parti, &c.”

4. *Le bureau de départ vérifie l'exactitude de l'adresse. Si elle a été mal transmise, il la rectifie sur le champ.*

5. *Sinon, il communique l'avis à l'expéditeur, qui ne peut compléter, rectifier ou confirmer l'adresse que par une dépêche payée.*

6. *Si, par suite d'adresse inexacte ou insuffisante, d'absence ou de refus du destinataire, des frais d'express n'ont pas été acquittés à l'arrivée, le montant de ces frais est indiqué dans l'avis susmentionné, afin que l'expéditeur puisse être requis de les rembourser.*

7. *Si la porte n'est pas ouverte à l'adresse indiquée, ou si le porteur ne trouve personne qui consente à recevoir la dépêche pour le destinataire, avis est laissé au domicile indiqué, et la dépêche est rapportée au bureau, pour être délivrée au destinataire sur sa réclamation.*

8. *Lorsque la dépêche est adressée bureau restant, elle n'est délivrée qu'au destinataire ou à son délégué.*

9. *Dans les cas prévus par les §§ 7 et 8 du présent Article, toute dépêche qui n'a pas été réclamée au bout de 6 semaines est anéantie.*

XV.

(Article XIX de la Convention.)

1. Le bureau télégraphique d'arrivée est en droit d'employer la poste :—

(a.) À défaut d'indication, dans la dépêche, du moyen du transport à employer ;

(b.) Lorsque le moyen indiqué diffère du mode adopté et notifié par l'État d'arrivée, conformément à l'Article XIX de la Convention ;

(c.) Lorsqu'il s'agit d'un transport à payer par un destinataire qui aurait refusé antérieurement d'acquitter des frais de même nature.

2. Dans tous les cas, l'emploi de la poste est obligatoire pour le bureau d'arrivée, lorsqu'il n'use pas d'un moyen plus rapide.

3. Lorsqu'une dépêche à réexpédier par lettre chargée ne peut être soumise immédiatement à la formalité du chargement, tout en pouvant profiter d'un départ postal, elle est mise d'abord à la poste par lettre ordinaire ; une ampliation est adressée par lettre chargée aussitôt qu'il est possible.

4. Les dépêches adressées au passagers d'un navire, qui fait escale dans un port, leur sont remises, autant que possible, avant le débarquement.

XVI.

(Article XX de la Convention.)

La transmission des dépêches d'État se fait de droit. Les bureaux télégraphiques n'ont aucun contrôle à exercer sur elles.

XVII.

(Article XXIII de la Convention.)

Les Administrations Télégraphiques ne sont tenues de donner communication ou copie des pièces désignées à l'Article XXIII de la Convention, que si les expéditeurs ou les destinataires fournissent la date exacte des dépêches auxquelles se rapportent leurs demandes.

XVIII.

(Article XXIV de la Convention.)

1. Dans le cas de dépêche demandant une réponse payée, l'expéditeur doit inscrire, *entre l'adresse et le texte* l'indication : "Réponse payée."

2. La taxe est perçue pour une réponse simple par la même voie.

3. L'expéditeur peut d'ailleurs compléter la mention en mettant : "Réponse payée (. . . . fr. cs.) ;" et acquitter la somme correspondante, dans les limites autorisées par l'Article XXIV de la Convention.

4. L'indication de la somme déposée est toujours obligatoire, quel que soit le nombre de mots de la réponse, lorsque celle-ci doit être transmise à un autre bureau que celui d'où la dépêche primitive est partie. La mention à insérer après l'adresse est formulée comme il suit :—

“ Réponse payée à (localité indiquée) . . . fr. . . . cs.”

5. L'expéditeur fixe la somme à son gré, dans les limites autorisées par l'Article XXIV de la Convention. S'il désire être renseigné sur la taxe réelle, depuis le bureau de destination de sa dépêche jusqu'au bureau indiqué, pour y faire arriver la réponse, le bureau d'origine lui fait connaître cette taxe, soit exactement, s'il la connaît, soit approximativement, en réservant le règlement ultérieur de la somme déposée.

6. Lorsque la dépêche ne peut être remise, dès l'arrivée, dans les circonstances prévues par l'Article XIV, § 3, l'avis de service est transmis dans la forme prescrite par ce paragraphe.

7. En cas de refus du destinataire, la réponse d'office est émise sur le champ, dans la forme suivante :—

“ Réponse à No. de Le destinataire a refusé.”

8. Si la dépêche avec réponse payée n'a pu être remise au bout de 6 semaines, la réponse d'office est émise dans la même forme sauf les mots suivants :—

“ Le destinataire n'a pas retiré la dépêche.”

XIX.

(Article XXVI de la Convention.)

1. L'accusé de réception est donné dans la forme suivante :

“ Paris de Berne.—No. Date Dépêche No. adressée à rue remise le . . . à . . . h . . . m . . . m. ou s . . . (ou motif de non remise).”

2. Les accusés de réception reçoivent un numéro d'ordre au bureau qui les envoie et sont d'ailleurs traités, pour leur transmission, comme de nouvelles dépêches ; ils jouissent de la priorité accordée aux avis de service sur les dépêches privées.

3. Si l'accusé de réception doit être transmis à une destination autre que le bureau d'origine de la dépêche, le nom de cette destination figure, après les mots “ accusé de réception,” dans le texte et dans le préambule. Le bureau d'origine perçoit la taxe de 20 mots pour le parcours indiqué. Si cette taxe ne lui est pas connue, il s'informe et règle ultérieurement la perception, en faisant déposer des arrhes, s'il y a lieu.

4. Dans le cas prévu par l'Article XIV, §§ 3 et 5, l'accusé de réception tient lieu de l'avis de service.

5. Dans le cas prévu par le § 4 du même Article, le premier avis

est considéré comme service et l'accusé de réception est transmis après remise de la dépêche au destinataire.

XX.

(Article XXVIII de la Convention.)

1. Le texte primitif de la dépêche à faire suivre doit être intégralement transmis au bureaux de destination successifs, et reproduit sur la copie adressée au destinataire ; mais, dans le préambule, chaque bureau ne reproduit, après les mots "faire suivre," que les adresses auxquelles le télégramme peut encore être expédié.

2. Les demandes de réexpédition prévues au paragraphe 4 de l'Article XXVIII de la Convention peuvent être faites par la poste.

3. Chaque Administration se réserve la faculté de faire suivre, quand il y aura lieu, d'après les indications données au domicile du destinataire, les dépêches pour lesquelles aucune indication spéciale n'aurait d'ailleurs été fournie.

4. La taxe internationale des dépêches à faire suivre est simplement la taxe afférente au premier parcours, l'adresse complète entrant dans le nombre des mots.

5. *À partir du premier bureau indiqué dans l'adresse, les taxes à percevoir sur le destinataire, pour les parcours ultérieurs, doivent, à chaque réexpédition, être indiquées d'office dans le préambule.*

XXI.

(Article XXIX de la Convention.)

1. En transmettant une dépêche adressée à deux ou plusieurs destinataires, il faut, dans le préambule, indiquer le nombre des adresses.

2. L'indication prévue au paragraphe 5 de l'Article XXIX de la Convention doit entrer dans le corps de l'adresse, et par conséquent dans le nombre des mots taxés.

3. Elle est reproduite dans les indications éventuelles.

XXII.

(Article XXXV de la Convention.)

1. L'expéditeur doit écrire sur la minute, immédiatement après l'adresse, les indications éventuelles relatives à la remise à domicile, à l'accusé de réception, aux dépêches collationnées, ou à faire suivre, &c.

2. *Si ces indications sont conçues dans une langue inconnue du bureau d'origine, l'expéditeur est tenu d'en joindre la traduction dans une langue connue de ce bureau.*

3. *La traduction n'est pas comprise dans les mots taxés.*

4. *Quand les mots "expès payé" sont transmis sans autres indi-*

cations, il est entendu que l'accusé de réception a été aussi payé et que le bureau d'arrivée doit agir en conséquence.

5. Les mots, nombres ou signes ajoutés par le bureau dans l'intérêt du service ne sont pas taxés.

XXIII.

(Article XXXVI de la Convention.)

Les exemples suivants déterminent l'interprétation des règles à suivre pour compter les mots des dépêches télégraphiques en langage clair :—

| | | | | | |
|---|----|----|----|----|---------|
| Irresponsabilité (7 syllabes) | .. | .. | .. | .. | 1 mot. |
| Inconstitutionnalité (9 syllabes) | .. | .. | .. | .. | 2 mots. |
| A-t-il | .. | .. | .. | .. | 3 mots. |
| Aujourd'hui (écrit sans apostrophe) | .. | .. | .. | .. | 1 mot. |
| C'est-à-dire | .. | .. | .. | .. | 4 mots. |
| J'ai | .. | .. | .. | .. | 2 mots. |
| Aix-la-Chapelle | .. | .. | .. | .. | 3 mots. |
| Airlachapelle | .. | .. | .. | .. | 1 mot. |
| Aachen | .. | .. | .. | .. | 1 mot. |
| Newyork | .. | .. | .. | .. | 1 mot. |
| New-York | .. | .. | .. | .. | 2 mots. |
| New South Wales | .. | .. | .. | .. | 3 mots. |
| Newsouthwales | .. | .. | .. | .. | 1 mot. |
| Van de Brande | .. | .. | .. | .. | 3 mots. |
| Vandebrande.. .. | .. | .. | .. | .. | 1 mot. |
| Du Bois | .. | .. | .. | .. | 2 mots. |
| Dubois | .. | .. | .. | .. | 1 mot. |
| De Lygne | .. | .. | .. | .. | 2 mots. |
| Delygne | .. | .. | .. | .. | 1 mot. |
| 44½ (5 chiffres et signes) | .. | .. | .. | .. | 1 mot. |
| 44½ (6 „ „) | .. | .. | .. | .. | 2 mots. |
| 44½ (5 „ „) | .. | .. | .. | .. | 1 mot. |
| 44½ (6 „ „) | .. | .. | .. | .. | 2 mots. |
| 10 francs 50 centimes (ou) 10 fr. 50 c. | .. | .. | .. | .. | 4 mots. |
| 10 fr. 50 | .. | .. | .. | .. | 3 mots. |
| Fr. 10.50 | .. | .. | .. | .. | 2 mots. |
| 11 h. 30 | .. | .. | .. | .. | 3 mots. |
| 11.30 | .. | .. | .. | .. | 1 mot. |
| Le 17me | .. | .. | .. | .. | 2 mots. |
| Le 1529me | .. | .. | .. | .. | 3 mots. |
| 44½ (pour 44 shillings 2 pence)* | .. | .. | .. | .. | 3 mots. |
| 2 ½ | .. | .. | .. | .. | 2 mots. |
| 2 p. ½ | .. | .. | .. | .. | 3 mots. |
| Deux cent trente quatre | .. | .. | .. | .. | 4 mots. |
| Zweihundertvierunddreizig | .. | .. | .. | .. | 1 mot. |
| Ducentotrentaquattro | .. | .. | .. | .. | 1 mot. |
| Two hundred and thirty four | .. | .. | .. | .. | 5 mots. |
| Tweehonderd vierendertig | .. | .. | .. | .. | 2 mots. |
| E. | .. | .. | .. | .. | 1 mot. |

* La barre oblique qui remplace le mot "shilling" est interprétée et transmise comme "s."

| | | | | | | | | |
|---|----|----|----|----|----|----|----|---------|
| <i>E. M.</i> | .. | .. | .. | .. | .. | .. | .. | 2 mots. |
| <i>Emvt</i> | .. | .. | .. | .. | .. | .. | .. | 1 mot. |
| <i>tmrlzk</i> | .. | .. | .. | .. | .. | .. | .. | 2 mots. |
| <i>L'affaire est urgente : partir sans retard (7 mots et deux</i> | | | | | | | | |
| <i>soulignés)*</i> | .. | .. | .. | .. | .. | .. | .. | 9 mots. |

XXIV.

(Article XXXVIII de la Convention.)

1. Le nom du bureau de départ, la date, l'heure, et la minute du dépôt sont transmis d'office et inscrits sur la copie remise au destinataire.

2. L'expéditeur peut insérer ces indications, en tout ou en partie, dans le texte de sa dépêche. Elles entrent alors dans le compte des mots.

3. *Tous les chiffres faisant partie du préambule doivent être répétés d'office.*

XXV.

(Article XXXIX de la Convention.)

1. Les dépêches prévues à l'Article XXXIX de la Convention ont la forme suivante: "Paris de Berlin—Service taxé." Elles prennent rang parmi les dépêches de service et portent l'indication A et un numéro d'ordre.

2. *L'expéditeur ou le destinataire peut demander, dans le délai de 24 heures qui suit le départ ou respectivement l'arrivée de la dépêche, la rectification des passages qui lui paraissent douteux. Il acquitte alors :*

(a.) *S'il s'agit de l'expéditeur : 1°, le prix d'une dépêche calculée suivant la longueur du passage à répéter ; 2°, le prix d'une dépêche simple pour la réponse ;*

(b.) *S'il s'agit du destinataire : 1°, le prix d'une dépêche simple pour la demande ; 2°, le prix d'une dépêche calculée suivant la longueur du passage à répéter.*

3. Ces taxes sont remboursées si la répétition montre que le service télégraphique avait dénaturé le sens de la dépêche. Dans ce cas le bureau opère le remboursement d'office et sans aucun délai. *Aucun remboursement n'est dû pour la dépêche rectifiée.*

4. Les sommes encaissées pour dépêches de service taxées *et les réponses y relatives* restent entièrement acquises à l'Administration qui les a perçues et ne figurent point dans les comptes internationaux.

5. Le bureau télégraphique qui reçoit une dépêche par laquelle on lui demande l'annulation d'une dépêche reçue précédemment, fait connaître au bureau d'origine, par la poste, la suite qui a été

* *Le signal "souligné" est transmis avant et après chaque mot ou passage souligné.*

donnée à la demande, à moins que l'expéditeur n'ait acquitté le prix d'une réponse télégraphique.

XXVI.

(Article XLVIII de la Convention.)

1. Si la taxe à percevoir à l'arrivée n'est pas recouvrée, la perte est supportée par l'office d'arrivée, à moins de conventions spéciales conclues conformément à l'Article LXII de la Convention.

2. Les Administrations Télégraphiques prennent toutefois, autant que possible, les mesures nécessaires pour que les taxes à percevoir à l'arrivée et qui n'auraient pas été acquittées par le destinataire soient recouvrées sur l'expéditeur. Quand ce recouvrement a lieu, l'office qui le fait en tient compte à l'office intéressé.

XXVII.

(Article L de la Convention.)

1. Les Administrations et les bureaux télégraphiques prennent les mesures nécessaires pour diminuer, autant que possible, le nombre des dépêches de service jouissant du privilège de la gratuité.

2. Les renseignements qui ne présentent point un caractère d'urgence sont demandés ou donnés par la poste.

XXVIII.

(Article LI de la Convention.)

1. Toute réclamation en remboursement de taxe doit être présentée à l'office d'origine et être accompagnée des pièces probantes, savoir : une déclaration écrite du bureau de destination ou du destinataire, si la dépêche n'est point parvenue, et la copie qui lui a été remise, s'il s'agit d'erreur ou de retard.

2. L'expéditeur qui ne réside pas dans le pays où il a déposé sa dépêche peut faire présenter sa réclamation à l'office d'origine, par l'intermédiaire d'un autre office. Dans ce cas, s'il est reconnu que la réclamation est fondée, l'office qui l'a reçue est chargé d'effectuer le remboursement.

3. Pour toute dépêche non remise à destination, le remboursement est supporté par les offices sur les lignes desquels ont été commises les irrégularités qui ont empêché la dépêche de parvenir au destinataire.

4. En cas de retard, le droit au remboursement est absolu lorsque la dépêche n'est point arrivée à destination plus tôt qu'elle n'y serait parvenue par la poste.

5. Le remboursement intégral de la taxe est effectué aux frais des offices par le fait desquels le retard s'est produit, et dans la proportion des retards imputables à chaque office.

6. En cas d'altération d'une dépêche collationnée, l'office d'origine

détermine les erreurs qui ont empêché la dépêche de remplir son objet, et la part contributive des diverses Administrations est réglée d'après le nombre des fautes ainsi déterminées, *un mot omis comptant pour une erreur.*

7. La part contributive pour l'altération d'un mot dénaturé successivement sur les lignes de plusieurs Administrations est supportée par la première de ces Administrations.

8. *Les erreurs ou omissions sont imputables au bureau qui a transmis, sauf dans les cas suivants :*

(a.) *Lorsque, des mots, nombres ou caractères ayant été omis, le bureau qui a reçu n'a pas vérifié le compte des mots ;*

(b.) *Lorsque, à l'appareil Morse, le bureau qui a reçu n'a pas tenu compte de la rectification faite à son collationnement par son correspondant ;*

(c.) *Lorsque, à l'appareil Hughes, le bureau qui a reçu n'a pas rectifié la première transmission d'après le collationnement qui a suivi ;*

(d.) *Lorsque, au même appareil, il y a eu un défaut de synchronisme non rectifié ;*

(e.) *Lorsque le collationnement payé a été omis ou incomplet.*

9. *Dans les cas a, b, et c, l'erreur est imputable au bureau qui a reçu. Dans les cas d et e, les deux bureaux sont responsables.*

10. *Lorsque, par suite de l'absence ou de l'insuffisance des documents, le bureau responsable d'une erreur ou omission ne peut être désigné, le remboursement est mis à la charge de l'Administration où la preuve fait défaut.*

11. Les réclamations communiquées d'office à office sont transmises avec un dossier complet, c'est-à-dire, qu'elles contiennent (en original, en extrait ou en copie) toutes les pièces ou lettres qui les concernent.

12. Lorsqu'une réclamation a été reconnue fondée par les Administrations intéressées, le remboursement est effectué par l'office d'origine.

13. *Les réclamations ne sont point transmises d'office à office, lorsque le fait signalé ne donne pas droit au remboursement.*

XXIX.

(Article LI de la Convention.)

1. *La taxe d'une dépêche arrêtée en vertu des Articles XX et XXI de la Convention est remboursée à l'expéditeur, et le remboursement est à la charge de l'Administration qui a arrêté la dépêche.*

2. *Toutefois, lorsque cette Administration a notifié, conformément à l'Article XXI, la suspension de certaines correspondances déterminées, le remboursement des taxes des dépêches de cette catégorie qui seraient arrêtées ultérieurement doit être supporté par l'office d'origine, à partir de la date à laquelle la notification lui est parvenue.*

XXX.

(Article LIV de la Convention.)

1. La taxe qui sert de base à la répartition entre États et, *le cas échéant*, à la détermination des moyennes mentionnées à l'Article LIV de la Convention, est celle qui résulte de l'application régulière des tarifs, sans qu'il soit tenu compte des erreurs de taxation qui ont pu se produire.

2. Toutefois, le nombre des mots annoncé par le bureau d'origine sert de base à l'application de la taxe, sauf le cas où il aurait été rectifié d'un commun accord avec le bureau correspondant.

3. Pour déterminer les taxes moyennes on dresse un compte mensuel comprenant, par dépêche traitée individuellement, toutes les taxes accessoires *de quelque nature qu'elles soient*. Dans ce compte les taxes perçues d'avance pour réponse payée, ou accusé de réception, sont portées intégralement par l'office qui a perçu au compte de l'office destinataire. La part totale, calculée pour chaque État pendant le mois entier, est divisée par le nombre des dépêches; le quotient constitue la taxe moyenne applicable à chaque dépêche dans les comptes ultérieurs jusqu'à révision. Cette révision est faite chaque année et peut avoir lieu au bout de 3 mois, sur la demande de l'un des États intéressés.

XXXI.

(Article LVII de la Convention.)

1. L'échange des comptes mensuels a lieu avant l'expiration du trimestre qui suit le mois auquel ils se rapportent.

2. La révision de ces comptes a lieu dans un délai maximum de 6 mois à dater de leur envoi. L'office qui n'a reçu, dans cet intervalle, aucune observation rectificative considère le compte comme admis de plein droit. Cette disposition est aussi applicable aux observations faites par un office sur les comptes rédigés par un autre.

3. Les comptes mensuels sont admis sans révision, quand la différence des sommes finales établies par les deux Administrations intéressées ne dépasse pas 1 pour cent du débit de l'Administration qui l'a établi. Dans le cas d'une révision commencée, elle doit être arrêtée, lorsque, par suite d'un échange d'observations entre les offices intéressés, la différence qui a donné lieu à la révision se trouve renfermée dans les limites de 1 pour cent.

4. Il n'est pas admis de réclamation, dans les comptes, au sujet de dépêches ordinaires ayant plus de 6 mois de date et de dépêches enregistrées ayant plus de 18 mois de date.

XXXII.

(Article LX de la Convention.)

1. Les frais communs du Bureau International des Administra-
[1874-75. LXVI.]

tions Télégraphiques ne *doivent* pas dépasser, *par* année, la somme de 50,000 francs, *non compris les frais spéciaux auxquels donne lieu la réunion d'une Conférence Internationale*. Cette somme pourra être augmentée ultérieurement du consentement de toutes les Parties Contractantes.

2. L'Administration désignée, en vertu de l'Article LX de la Convention, pour la Direction du Bureau International, en *surveille* les dépenses, *fait* les avances nécessaires et *établit* le compte annuel, qui *est* communiqué à toutes les autres Administrations intéressées.

3. Pour la répartition des frais, les États Contractants ou adhérents sont divisés en 6 classes, contribuant chacune dans la proportion d'un certain nombre d'unités, savoir :—

1^{re} classe 25 unités.

2^e „ 20 „

3^e „ 15 „

4^e „ 10 „

5^e „ 5 „

6^e „ 3 „

4. Ces coefficients sont multipliés par le nombre d'États de chaque classe, et la somme des produits ainsi obtenus fournit le nombre d'unités par lequel la dépense totale doit être divisée. Le quotient donne le montant de l'unité de dépense.

XXXIII.

(Article LX de la Convention.)

1. Les offices des États Contractants se transmettent réciproquement tous les documents relatifs à leur administration intérieure et se communiquent tout perfectionnement qu'ils viendraient à y introduire.

2. En règle générale, le Bureau International sert d'intermédiaire à ces notifications ; toutefois les avis à transmettre d'urgence, et spécialement la notification des interruptions des lignes, sont directement portés par la voie télégraphique à la connaissance de toutes les Administrations intéressées.

3. Les dites Administrations envoient par la poste, par lettre affranchie, au Bureau International, la notification de toutes les mesures relatives à la composition et aux changements de tarifs, tant intérieurs qu'internationaux ; à l'ouverture de lignes nouvelles et à la suppression de lignes existantes, en tant que ces lignes intéressent le service international ; enfin, aux ouvertures, suppressions et modifications de service des bureaux.

4. *Les documents imprimés ou autographiés par les Administrations, au sujet des mesures mentionnées au paragraphe précédent, sont expédiés*

au Bureau International, soit à la date de leur distribution, soit, au plus tard, le premier jour du mois qui suit cette date.

5. Elles lui font parvenir au commencement de chaque année, et aussi complètement qu'il leur est possible, des tableaux statistiques du mouvement des correspondances, de la situation des lignes, du nombre des bureaux et des appareils, &c. Ces tableaux sont dressés d'après les indications du Bureau International, qui distribue, à cet effet, les formules toutes préparées.

6. Elles adressent également à ce bureau deux exemplaires des publications diverses qu'elles font paraître.

7. Le Bureau International reçoit, en outre, communication de tous les renseignements relatifs aux expériences auxquelles chaque Administration a pu procéder sur les différentes parties du service.

XXXIV.

(Article LX de la Convention.)

1. Indépendamment des communications spéciales que le Bureau International est tenu de faire à toutes les Administrations, il utilise les documents de statistique et autres qui sont mis à sa disposition, pour la rédaction du journal dont il est fait mention à l'Article LX.

2. Il dresse, publie et révisé périodiquement la carte officielle des relations télégraphiques.

3. Il doit, d'ailleurs, se tenir en tout temps à la disposition des Administrations des États Contractants, pour leur fournir, sur les questions qui intéressent la télégraphie internationale, les renseignements spéciaux de tout genre dont elle pourraient avoir besoin.

4. Dans les questions à résoudre par l'assentiment des Administrations Contractantes, celles qui n'ont point fait parvenir leur réponse dans le délai maximum de 4 mois sont considérées comme consentantes.

5. Les documents imprimés par le Bureau International sont distribués aux Administrations des États Contractants dans la proportion du nombre d'unités contributives, d'après les Articles XXXII et XXXV. Les documents supplémentaires que réclameraient ces Administrations sont payés à part, d'après leur prix de revient. Il en est de même des documents demandés par les exploitations privées.

6. Les demandes de cette nature doivent être formulées une fois pour toutes, jusqu'à nouvel avis, et de manière à donner au Bureau International le temps de régler le tirage en conséquence.

7. Le Bureau International prépare les travaux des Conférences Télégraphiques. Il pourvoit aux copies et impressions nécessaires à la rédaction et à la distribution des amendements, procès-verbaux et autres renseignements.

8. Le Directeur de ce bureau assiste aux séances de la Conférence et prend part aux discussions sans voix délibérative.

9. Il fait sur sa gestion un rapport annuel, qui est communiqué à toutes les Administrations des États Contractants.

10. La gestion du dit bureau est également soumise à l'examen et à l'appréciation des Conférences prévues par l'Article *LXI* de la Convention.

XXXV.

(Article *LX* de la Convention.)

1. L'Administration *supérieure* de la Confédération Suisse est désignée pour organiser le Bureau International dans les conditions déterminées par l'Article *LX* de la Convention.

2. Les États Contractants sont pour la contribution aux frais, répartis ainsi qu'il suit, dans les 6 classes dont il est fait mention à l'Article *XXXII*.

1^e classe : Allemagne, Autriche-Hongrie, France, Grande Bretagne, *Indes-Britanniques*, Italie, Russie, Turquie ;

2^e classe : Espagne ;

3^e classe : Belgique, Pays-Bas, *Indes Néerlandaises*, Roumanie, Suède ;

4^e classe : *Danemark*, Norwège, Suisse ;

5^e classe : Grèce, Portugal, Serbie ;

6^e classe : Luxembourg, *Perse*.

XXXVI.

(Article *LXV* de la Convention.)

Dans le cas d'application de l'Article LXV, l'Administration Contractante en relation directe avec l'office non-adhérent est chargée de régler les comptes entre cet office et les autres offices contractants auquel elle a servi d'intermédiaire pour la transmission.

Le présent Règlement, destiné à compléter les dispositions de la Convention de Paris révisée à Rome, entrera en vigueur le 1^{er} Juillet, 1872.

Fait à Rome, le 14 Janvier, 1872.

T. MEYDAM.

GUMBART.

DE KLEIN.

BRUNNER.

ARY.

J. VINCHENT.

FABER.

MARQUIS DE MONTEMAR.

ARAUJO.

AILHAUD.

ALAN E. CHAMBRE.

D. ROBINSON.

J. U. BATEMAN CHAMPAIN.

G. SALACHAS.
 ERNEST D'AMICO.
 J. MALVANO.
 F. SALVATORI.
 ERNEST PONZIO VAGLIA.
 C. NIELSEN.
 STARING.
 J. U. BATEMAN CHAMPAIN.
 VALENTIM DO REGO.
 LE GÉNÉRAL PRINCE J. GHIKA.
 C. DE LÜDERS.
 RADOYCOVITCH.
 BRÄNDSTRÖM.
 CURCHOD.
 M. IZZET.
 YANCO MACRIDI.

ARRANGEMENT between the Post Offices of Germany and India.—Signed at Berlin, May 9, 1874.

ART. I. There shall be a regular exchange of ordinary letters, registered letters, and other registered articles of correspondence, newspapers, articles of the book-post, and patterns of merchandize between the Post Office of the German Empire and the Post Office of India. This exchange shall be effected for the present in closed mails *viâ* Brindisi and Bombay, by means of British mail-steamers. Should it become convenient hereafter to adopt any other route, or to use the steamers of other nations, such services may be arranged under agreement between the two Departments. The two Departments shall design by common consent the Post Offices which shall be charged with the mutual exchange of the correspondence.

II. The cost of the territorial transit and of the sea conveyance between the two countries shall be borne by each Post Office for the paid correspondence sent by it and for the unpaid or insufficiently prepaid letters received by it. The total sum of the cost of the territorial transit, however, as well as the total sum of the cost of the sea conveyance, shall first be paid by that Office which has obtained the most favourable conditions from the country serving as the route, whereas the other Office shall repay the amount due to it for the paid correspondence sent by the same, and for the unpaid or insufficiently prepaid letters received by it.

III. Persons who intend to send ordinary letters from Germany

to India, or from India to Germany, may send those letters either paid to destination or unpaid. Registered letters and other registered articles of correspondence, newspapers, articles of the book post, and patterns of merchandize must always be paid to destination.

IV. The postage of a single letter exchanged between Germany and India shall be (1), for a paid letter from Germany 6 groschen, and for a paid letter from India 5 annas 6 pies; (2), for an unpaid letter to Germany 8 groschen, and for an unpaid letter to India 7 annas 6 pies. Letters shall, if the postage is received in Germany, be regarded as single, the weight of which does not exceed 15 grammes. For letters exceeding the weight of 15 grammes an additional single rate shall be charged for each 15 grammes or fraction thereof. If, however, the postage is received in India letters shall be regarded as single the weight of which does not exceed half-an-ounce. For letters exceeding the weight of half-an-ounce an additional single rate shall be charged for each half-ounce or fraction thereof. Post-cards shall be regarded as equivalent to single paid letters.

V. The postage as well upon newspapers as upon articles of the book-post, especially upon periodical works, pamphlets, books, music, catalogues, prospectuses, announcements, and advertisements of different kinds, whether printed, engraved, or lithographed, also upon engravings, lithographs, photographs, and upon all printed or written papers, if not bearing the character of a letter or personal correspondence, unless such letter or personal correspondence be wholly printed, exchanged between Germany and India shall be, if sent from Germany, $1\frac{1}{2}$ groschen for each 50 grammes or fraction thereof; if sent from India 1 anna 6 pies for 2 ounces, 3 annas for 4 ounces, and a like rate, viz., 3 annas extra for every additional 4 ounces or fraction thereof. The reduced postage fixed in this Article shall only be applied to the objects before mentioned if they answer to the conditions about their conveyance and mode of packing prescribed by the Laws or Ordinances of the country whence they originated. Such of the objects above mentioned which do not answer to the requisite conditions, or are not paid to destination, may be either detained or treated as letters and taxed accordingly. The weight of a packet of newspapers or other printed papers shall not exceed $2\frac{1}{2}$ kilogrammes. The provisions of this Article shall limit in no way the right of the two Offices to prevent within their territories the conveyance or delivery of those objects pointed out in the present Article in respect of which the conditions of publication and circulation might not be in accordance with the Laws and Ordinances as well in Germany as in India.

VI. The postage upon patterns of merchandize exchanged between the two countries shall be—if sent from Germany $1\frac{1}{2}$ groschen

for each 50 grammes or fraction thereof; if sent from India 1 anna 8 pies for 2 ounces, 3 annas 4 pies for 4 ounces, and a like rate, viz., 3 annas 4 pies extra for every additional 4 ounces or fraction thereof. The reduced postage fixed in this Article shall only be applied to patterns of merchandize in case they are laid under wrapper or packed in such other manner that their contents may be inspected without difficulty. They must have no mercantile value and bear no other written communication but the name and address of the receiver, the name and address of the sender, the manufacturer's or trade mark, the numbers and prices. Patterns of merchandize not answering to the conditions above mentioned, or not paid to destination, may be either detained or treated as letters and taxed accordingly. The weight of a packet of patterns of merchandize shall not exceed 250 grammes.

VII. Correspondence of every kind forwarded from one country to the other may be paid by means of the postage stamps in use in the country whence it originated. The objects of correspondence insufficiently paid by means of postage stamps shall be taxed as unpaid letters, after deducting, however, the value of the stamps affixed by the sender. In computing the supplementary postage to be raised from the receiver, whenever a fraction of a half-groschen or 6 pies occurs there shall be levied by the German Post Office a half-groschen for the fraction of a half-groschen, and by the Indian Post Office 6 pies for the fraction of 6 pies.

VIII. The objects of correspondence of every kind mutually exchanged between the inhabitants of Germany and the inhabitants of India may be sent under registration. For the registered article shall be levied, besides the postage fixed in the preceding Articles IV, V, and VI, the registration fees raised in the country whence they originated.

IX. The German Post Office shall pay to the Indian Post Office as inland postage:—For prepaid letters from Germany 4*d.* for 30 grammes net weight; for newspapers, articles of the book-post, and patterns of merchandize from Germany, 1*s.* 8*d.* per kilogramme net weight; for unpaid and insufficiently prepaid letters, from India 8*d.* per 30 grammes net weight. The Post Office of India shall pay to the Post Office of Germany as inland postage:—For paid letters from India 4*d.* per 30 grammes net weight; for newspapers, articles of the book-post, and patterns of merchandize from India, 1*s.* 8*d.* per kilogramme net weight; for unpaid and insufficiently prepaid letters from Germany, 8*d.* per 30 grammes net weight. Moreover, the German Post Office shall pay to the Post Office of India the value of the stamps affixed to insufficiently prepaid letters from Germany, and the Post Office of India to the German Post Office the value of the stamps affixed to insufficiently prepaid letters from India. The

Contracting Parties explicitly stipulate that no tax or fee whatever shall be charged under any pretext or title upon the delivery at the original destination of the objects mentioned in the preceding Articles if they are duly paid.

X. The exchange of correspondence between India and the Grand Duchy of Luxemburg undertaken by the German Post Office shall be effected according to the regulations fixed in the preceding Articles for the postal communications between India and Germany. The German Post Office shall undertake the settlement of the accounts of the postage for the transmission of the mails in that territory.

XI. The German Post Office and the Indian Post Office may mutually deliver to each other in open mails correspondence of every kind to and from those countries for which they serve as the route. The two Post Offices reserve to themselves the right of fixing by mutual agreement the conditions of such exchange.

XII. There shall take place no other transmission, free of postage, except in respect of correspondence on the service of the Post Office.

XIII. The account concerning the exchange of the correspondence shall be prepared monthly by each of the two Departments for the mails received from the other Office. These accounts shall be embodied in a general account quarterly by the German Post Office. The payment of the balance of this quarterly account shall be effected by bills of exchange on Berlin, if the balance be in favour of the German Post Office; and by bills of exchange on London, if the balance be in favour of the Indian Post Office. If by experience another method of payment should be found more suitable, the two Post Offices may adopt it by mutual agreement.

XIV. The German Post Office and the Indian Post Office shall fix by mutual agreement the forms of the accounts mentioned in the preceding Article XIII, as well as all further particulars necessary to secure the execution of the present Convention.

XV. In the event of any future change in the amount of the rates charged for territorial and sea transit, on which the rates of postage herein provided have been calculated, it shall be open to the two Post Offices, by mutual arrangement, to make a corresponding change in the postage rates.

XVI. The two Departments may mutually arrange for the introduction of a parcel post between Germany and India.

XVII. The present arrangement shall be brought into operation as soon as possible, and at latest on the 1st of January, 1875, and shall continue in force until one year from the date when one of the two Post Offices shall have announced to the other its intention to terminate it.

XVIII. The present arrangement shall be executed after having been submitted for sanction to the Office of the Chancellor of the German Empire and to the Government of India.

Done in duplicate in Berlin, the 9th day of May, 1874.

A. M. MONTEATH

H. STEPHAN.

VENEZUELAN DECREE of the Blockade of the Coasts of State Falcon, from the Mouth of the River Tocuyo to that of the River Oribono.—Caracas, October 31, 1874.

(Translation.)

ANTONIO GUZMAN BLANCO, President of the United States of Venezuela, &c.

In use of the faculties with which I am invested, and considering that in the State Falcon an armed rising has taken place against the political institutions of the nation and against the General Government,

I decree :

ART. 1. The coasts of the State Falcon from the mouth of the River Tocuyo to that of the River Oribono are declared closed and in a state of blockade.

2. To make this blockade effective, the necessary naval force is appointed.

3. The vessels of war of friendly and neutral nations can enter, depart, and remain in the port of La Vela de Covo, on the understanding that they lend no assistance in any manner to the enemies of the Republic.

4. The commanders of the blockading vessels will act in conformity with the Ordinance of Letters of Marque of the 30th March, 1822, and with the following dispositions :

(1.) Vessels sailing from Europe having left their ports within two months, counting from the date of the present Decree; those sailing from the United States of North America within one month, counting from the same date; those sailing from the Antilles, excepting Curaçoa, and Trinidad, within 15 days from the mentioned date; and those leaving Curaçoa, Trinidad, and Demerara after the day on which this blockade is notified to their respective authorities, upon entering the waters of the blockaded coast, will be notified by the commander of the nearest blockading vessel of war that they cannot pass the line of blockade; and only in case of insisting in their design of continuing in said waters are they to be considered in the case of violating the blockade.

(2.) The vessels to which the preceding resolution refers will be

informed at the moment of the first notification of their right to enter and discharge in any of the other ports of the Republic not occupied by the insurgents.

(3.) The terms which are fixed having transpired, any ship which may enter into the waters of the blockaded coast will be held to be notified, and will be sent with the proper guard to Puerto Cabello, in order to be judged by the Marine Tribunal of the said arsenal.

5. The Minister of State in the Offices of War and Marine is charged with the execution of this Decree and with communicating it to whom it may concern.

Given, signed by my hand, and countersigned by the Minister of State in the Offices of War and Marine, in the Federal Palace of Caracas, the 31st of October, 1874, 11th year of the Constitution and 16th of the Federation.

GUZMAN BLANCO.

M. GIL, *Minister of War and Marine.*

VENEZUELAN DECREE raising the Blockade of the Coasts of State Falcon.—Caracas, March 17, 1875.

(Translation.)

ANTONIO GUZMAN BLANCO, President of the Republic, &c.

Considering:

That with the complete pacification of the territory of the Republic the motives which obliged the National Executive to declare in a state of blockade the coasts of the State Falcon from the mouth of the River Tocuyo to that of the River Oribono have ceased,

I decree:

ART. 1. The blockade of the coasts of the State Falcon is raised, the Decree of the 31st of October of the year just passed,* which established it, being annulled.

2. The Minister of War and Marine will communicate this Decree to whom it may concern.

Given, signed by my hand, sealed with the seal of the Republic, and countersigned by the Minister of War and Marine, in the Federal Palace of Caracas, on the 17th of March, 1875, 11th year of the Constitution and 17th of the Federation.

GUZMAN BLANCO.

M. GIL, *Minister of War and Marine.*

*LOI de l'Empire Ottoman sur la Presse.—Constantinople, le 1^{er}
Janvier, 1865.*

(Traduction officielle.)

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TITRE I.—*Dispositions Générales.*

ART. 1. Aucun journal ou écrit périodique traitant de matières politiques ou administratives, en quelque langue que ce soit, et paraissant soit régulièrement et à jour fixe, soit par livraisons ou irrégulièrement, ne pourra être créé ou publié sans l'autorisation du Gouvernement Impérial.

La demande d'autorisation sera adressée au Ministère de l'Instruction Publique, si l'auteur de la demande est un sujet de la Sublime Porte ; s'il est sujet étranger, il présentera sa requête au Ministère des Affaires Étrangères. Le Ministère qui recevra la demande, après avoir constaté l'accomplissement des conditions établies par l'Article 3, donnera l'autorisation, et l'acte en sera délivré par le bureau de la presse.

2. Si la publication du journal ou écrit périodique doit avoir lieu en province, la demande d'autorisation sera présentée au Gouverneur-Général, qui la fera parvenir au Ministère des Affaires Étrangères ou au Ministère de l'Instruction Publique, d'après les prescriptions de l'Article 1. L'acte d'autorisation sera transmis au Gouverneur-Général, après la constatation de l'accomplissement des conditions énoncées à l'Article 3.

3. L'autorisation mentionnée à l'Article 1 sera accordée à tout sujet Ottoman âgé de 30 ans accomplis, n'ayant subi aucune condamnation pour des crimes ou délits prévus par le Code Pénal et jouissant de la plénitude de ses droits civils. Elle sera également accordée à un étranger, à la condition expresse qu'il sera assimilé aux sujets Ottomans en tout ce qui concerne les charges et obligations découlant de la présente Loi, ainsi qu'en ce qui touche la procédure à suivre à son égard, en cas de contravention ou délit de presse, sous la juridiction exclusive des autorités et tribunaux Ottomans.

4. Toute demande en autorisation devra être accompagnée d'une déclaration signée du propriétaire ou gérant responsable, et contenant l'indication du titre du journal ou écrit périodique, des conditions de périodicité et de l'imprimerie dans laquelle il devra être imprimé. Le propriétaire ou gérant responsable sera tenu de remettre à la direction de la presse, à Constantinople, et au Gouverneur-Général, dans les provinces, au moment de la publication, un exemplaire signé de chaque numéro de son journal ou écrit périodique.

Tous les exemplaires du journal porteront, au bas, la signature imprimée du gérant ou propriétaire responsable.

5. Lorsque le propriétaire ou gérant responsable d'un journal ou écrit périodique voudra transférer à des tiers l'autorisation qu'il aura

reçue du Gouvernement, il sera tenu d'en donner avis au Ministère dont elle émane. Le nouveau propriétaire ou gérant responsable devra obtenir une nouvelle autorisation, conformément aux prescriptions des Articles 1, 2, et 3.

Toutes les fois que le titre, les conditions de périodicité, ou l'imprimerie du journal seront changés, il en sera fait déclaration au même Ministère.

6. Les journaux ou écrits périodiques politiques actuellement existants dans l'Empire sont dispensés de l'autorisation exigée par la présente Loi et sont relevés des avertissements qu'ils peuvent avoir reçus jusqu'ici.

Tous ces journaux continueront à paraître, en se soumettant en tous points aux conditions prescrites par la présente Loi.

7. Le signataire de chaque feuille ou livraison sera tenu responsable de tous les articles ou passages attribués à des tiers et qui ne porteront pas leurs signatures. Si l'article ou le passage est signé par des tiers, il sera procédé, s'il y a lieu, à l'égard du signataire de la feuille ou livraison, comme complice de l'auteur ou des auteurs de l'article ou passage incriminé.

8. Tout journal sera tenu d'insérer, dans l'un de ses deux plus prochains numéros, les communications officielles qui lui seront adressées à cet effet par la direction de la presse, à Constantinople, et par les autorités locales, dans les provinces. L'insertion sera gratuite.

Tout journal est également tenu d'insérer gratuitement dans l'un de ses deux plus prochains numéros la réponse de toute personne nommée ou désignée dans le journal. La réponse ne pourra avoir plus du double de la longueur de l'article qui l'aura provoquée.

9. L'introduction et la circulation de tout journal ou écrit périodique traitant de matières politiques ou administratives et qui serait publié à l'étranger dans un but d'hostilité et d'agression contre le Gouvernement Impérial, sont interdites dans les États de Sa Majesté le Sultan.

TITRE II.—*Dispositions Pénales.*

10. Toute publication de journal ou écrit périodique sans autorisation du Gouvernement sera punie d'une amende de 10 livres Ottomanes pour chaque livraison ou numéro publié, et le journal ou écrit périodique ainsi publié cessera de paraître.

11. L'infraction aux prescriptions de l'Article 4, concernant le dépôt et la signature des écrits périodiques, est punie d'une amende de 10 livres Ottomanes.

12. Le journal ou écrit périodique qui n'insérerait pas les communications officielles qui pourront lui être adressées, ou la réponse de toute personne nommée ou désignée par lui, conformément à

l'Article 8, sera puni d'une amende de $2\frac{1}{2}$ livres à 25 livres, sans préjudice des autres peines et dommages-intérêts auxquels, dans le dernier cas, l'article ou passage incriminé pourrait donner lieu.

13. Quiconque, par la voie de la presse, aura provoqué l'auteur ou les auteurs de toute action, qualifiée par le Code Pénal (Liv. I, Chap. II) crime ou délit contre la tranquillité et la sûreté intérieures de l'Empire, à la commettre, sera réputé complice et puni comme tel, selon la gravité du crime ou délit. Le journal qui aura servi d'instrument à ces crimes ou délits sera suspendu ou supprimé par voie administrative.

14. Tout outrage commis, par la voie des journaux, à la morale publique et aux bonnes mœurs ou à l'une des religions ou l'un des cultes professés dans l'Empire, sera puni d'une amende de 1 à 25 livres ou d'un emprisonnement de 1 semaine à 3 mois.

15. L'offense envers le Souverain et les membres de la Famille Impériale et l'attaque contre l'autorité du Sultan seront punies d'un emprisonnement de 6 mois à 3 ans ou d'une amende de 25 à 150 livres.

16. L'offense envers les Ministres de Sa Majesté ou envers la personne des chefs des Gouvernements vassaux de la Sublime Porte sera punie d'un emprisonnement d'un mois à un an ou d'une amende de 5 à 50 livres.

17. L'offense envers la personne des Souverains ou envers celle des chefs des Gouvernements amis et alliés de la Sublime Porte sera punie d'un emprisonnement de 3 mois à 3 ans ou d'une amende de 15 à 100 livres.

18. Toute allégation ou imputation d'un fait qui porte atteinte à l'honneur ou à la considération de la personne ou du corps auquel le fait est imputé, est une diffamation.

Toute expression outrageante, terme de mépris ou invective, qui ne renferme l'imputation d'aucun fait, est une injure.

19. La diffamation ou l'injure envers les Cours, tribunaux ou autres corps constitués de l'État, sera punie d'un emprisonnement de 15 jours à 1 an, ou d'une amende de 2 à 50 livres.

20. La diffamation envers tout dépositaire ou agent de l'autorité publique sera punie d'un emprisonnement de 10 jours à 10 mois, ou d'une amende de 1 livre à 40 livres.

21. La diffamation envers les Ambassadeurs, Ministres Plénipotentiaires, Envoyés, Chargés d'Affaires ou autres agents accrédités auprès de la Sublime Porte, sera punie d'un emprisonnement de 8 jours à 8 mois ou d'une amende de 1 livre à 30 livres.

22. La diffamation envers les particuliers sera punie d'une amende d'une demie livre à 15 livres, ou d'un emprisonnement de 5 jours à 5 mois.

23. En cas de diffamation envers toute personne et même envers

tout dépositaire de l'autorité publique pour faits purement personnels, la peine édictée par la loi sera appliquée d'une manière absolue. Toutefois, dans le cas d'imputation, contre des dépositaires ou agents de l'autorité ou contre toute personne ayant agi dans un caractère public, de faits diffamatoires relatifs à leurs fonctions, la preuve des faits imputés mettra l'auteur de l'imputation à l'abri de toute peine, sans préjudice des peines prononcées contre toute injure adressée à ces personnes.

24. L'injure contre les personnes désignées aux Articles 20 et 21 est punie d'un emprisonnement de 5 jours à 5 mois ou d'une amende d'une demie livre à 15 livres.

25. L'injure envers les particuliers sera punie d'un emprisonnement de 2 jours à 2 mois, ou d'une amende de 30 piastres à 5 livres.

26. La publication ou la reproduction, faites avec intention et de mauvaise foi, de nouvelles fausses, de pièces fabriquées ou falsifiées, sera punie d'un emprisonnement d'un mois à un an, ou d'une amende de 10 à 50 livres.

27. Les délits prévus par les Articles 15, 16, 17, et 21 pourront être punis, par voie administrative, d'une suspension qui ne doit pas excéder un mois.

28. Tout journal ou écrit périodique sera tenu d'insérer la condamnation prononcée contre lui, par voie judiciaire, dans l'un de ses numéros qui paraîtront dans le mois du jugement.

L'impression de tout arrêt de condamnation, dans un ou plusieurs journaux, pourra être ordonnée, aux frais du condamné.

29. Le journal ou écrit périodique qui aura subi 3 condamnations, par voie judiciaire, dans l'espace de 2 ans, devient sujet à la suspension ou à la suppression par voie administrative.

30. En cas d'emprisonnement du gérant ou propriétaire responsable, pour crime, délit ou contravention de presse, la publication du journal ou écrit périodique ne pourra avoir lieu, pendant toute la durée de l'emprisonnement, que par un autre gérant remplissant les conditions établies par la présente Loi.

31. La poursuite, devant les tribunaux, de délits commis par la voie de la presse, aura lieu à la requête de la partie qui se croira lésée, sauf les cas d'offense au Souverain, aux membres de la Famille Impériale, d'attaque contre l'autorité du Sultan et d'offense aux Ministres, et les cas d'outrage à la morale publique et aux bonnes mœurs, dans lesquels cas la poursuite sera exercée d'office.

La poursuite, en cas d'outrage à l'une des religions ou l'un des cultes professés dans l'Empire, sera ordonnée d'office, s'il y a lieu, sur la demande de l'autorité religieuse intéressée.

32. L'action publique et l'action civile contre les délits commis par la voie de la presse se prescriront par 6 mois révolus, à compter du fait la publication qui constitue le délit.

33. En cas de récidive, les peines à prononcer, tant par voie judiciaire que par voie administrative, pourront être augmentées et portées, au plus, au double.

34. Les délits mentionnés aux Articles 15, 16, 17, 19, 20, 21, et 14, seront soumis à une Commission composée de 5 personnes, qui siègera à la Sublime Porte. Le Grand Conseil prononcera la peine, sur le rapport de la Commission.

Les délits et contraventions énoncés dans les autres Articles de la présente Loi seront évoqués devant les Tribunaux de Police.

35. La présente Loi sera mise en vigueur à partir du 1^{er} Janvier, 1865.

DECLARATION between Italy and Portugal, relative to the Consular Convention of September 30, 1868.—Signed at Lisbon, July 16, 1875.*

(Translation.)

Declaratory Interpretation of Articles XIII and XIV of the Consular Convention between Italy and Portugal of September 30, 1868.

THE Government of His Majesty the King of Italy and the Government of His Majesty the King of Portugal and the Algarves, wishing to clear up the sense of certain dispositions contained in Articles XIII and XIV of the Consular Convention concluded between them on the 30th of September, 1868, and at the same time to ensure the effective performance of the same, the Undersigned,

The Marquis F. Oldoini, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the King of Italy; and

The Councillor João de Andrade Corvo, Minister for Foreign Affairs of His Most Faithful Majesty;

Duly authorized for that purpose, have agreed upon the following Articles:—

ART. I. The term of 3 months for the extreme duration of the detention of deserting sailors, established by Article XIV, paragraph 5, of the Consular Convention concluded between Italy and Portugal on the 30th of September, 1868, may be extended to 4 months. Such an extension, however, shall only be accorded when the prolongation can be justified by *force majeure* or by unforeseen circumstances.

II. The term of 3 months established in the above-mentioned paragraph 5 of Article XIV of the Consular Convention, as well as the extension to 4 months, herewith agreed upon, are also applicable to the case referred to in paragraph 3 of Article XIII of the afore-

said Convention, viz., to the detention of the individuals inscribed on the lists of the crew who, at the request of the Consuls, Vice-Consuls, or Consular Agents, have been arrested by the local authorities.

III. The lapse of the term in every case shall be calculated from the date of the notice notifying to the Consul the fact of the arrest.

Done at Lisbon in duplicate, the 16th of July, 1875.

(L.S.) MARCHESE OLDOINI.

(L.S.) JOÃO DE ANDRADE CORVO.

SPEECH of the King of Portugal, on the Opening of the Cortes.—Lisbon, January 2, 1875.

(Translation.)

WORTHY PEERS OF THE REALM AND DEPUTIES OF THE PORTUGUESE NATION!

I COME this day with great pleasure into the midst of the National Representation, to open the first session of the present Legislature.

In the regular course of our political institutions, and in accordance with the enactments laid down in the Constitutional Charter of the Kingdom, the electors were called upon to exercise their rights in the selection of their legitimate representatives; and it is gratifying to my feelings as a Sovereign of a free people to be able to declare that the elections took place amid general tranquillity and that the country freely elected its Deputies.

Our relations of good and loyal amity with all foreign nations happily continue uninterrupted. In the Empire of Brazil, however, some disagreeable incidents have occurred, in consequence of which several Portuguese subjects were the victims of insults and of violence. My Government effectually called the attention of the Government of the Emperor to so important and serious a matter, and I have the satisfaction to announce to you that our representations were received there in the best manner possible, and that adequate measures were adopted; and on this occasion it was perceived, not only from the official acts, but also from several manifestations of public opinion, that the Brazilian nation has ever separated its responsibility for such condemnable, though isolated, crimes with which a few seditious men threatened to disturb the harmony which it is expedient should be maintained between two sister countries.

Public tranquillity and order have continued unchanged throughout the Kingdom and in the transmarine Provinces.

My Ministers will lay before the Legislative Body and submit to their consideration and discussion several Projects of Law, of which

some remained over from the previous session, and which tend to satisfy some public necessities which are generally recognized, to ameliorate some departments of the public service, and, in fine, to develop several branches of public administration.

Among these I call your attention especially to those which relate to primary instruction, to the code of civil procedure, to the organization of military tribunals, to their powers, jurisdiction, and respective penal code, to the conclusion of the Northern Railway, and to the construction of the lines of railway in the two Provinces of Beira and in the Algarves. A few other measures of general interest will likewise be presented to you, and I reckon upon your wisdom and patriotism for the due examination and improvement thereof.

The Ministers of the respective Departments will render you an account of the use which my Government has made of the authority which you have accorded to it upon different matters, as well as of all the legislative enactments which have been decreed since the last session for the transmarine Provinces, in virtue of the powers conferred upon it in the fifteenth Article of the Additional Act to the Charter.

My Minister of Finance will lay before you the Budget of the revenue and expenditure of the State for the financial year 1875-1876, and I am glad to announce to you that the circumstances of the public Treasury admit of the payment of the public charges without having recourse to new taxes, or exacting from the public functionaries the deductions from their salaries which they have had hitherto to bear.

The constant improvement of the public credit during the last few years, as well as the progressive increase of the public revenue under the shade of peace and liberty, have resulted in a financial condition which is relatively prosperous.

The development of the means of communication especially, which has engaged our attention for so many years, and in which the Government has been so effectually seconded by the enlightened opinion of the country, is producing its natural result; and although it is just, and even absolutely requisite, to act always with prudence and economy, in order not to disturb the finances of the country, I rejoice that these undeniable facts should encourage and urge us on to undertake further improvements.

Worthy Peers of the Realm and Deputies of the Portuguese nation,

On commencing your labours in the present Legislature, I need not excite your zeal or encourage your patriotism; I feel sure that you will do all in your power to meet the expectations of the

country and to satisfy its most urgent necessities. On my part, being united with you in the same intention, I hope and trust that, with God's assistance, we shall always endeavour to carry out whatever may tend to maintain the dignity and independence of our native country, and to further the development of its prosperity.

The session is opened.

DISCOURS de l'Empereur d'Allemagne, à l'Ouverture du Landtag Prussien.—Berlin, le 16 Janvier, 1875.

(Traduction.)

ILLUSTRES NOBLES ET HONORÉS MESSIEURS DES DEUX CHAMBRES
DU LANDTAG,

SA Majesté l'Empereur et Roi a daigné me donner la mission d'ouvrir en son nom le Landtag de la monarchie.

Pour exécuter les prescriptions de la Constitution, la convocation du Landtag a dû avoir lieu avant que la session du Reichstag Allemand ait pu être close. La communauté d'aspirations patriotiques qui unit les deux Parlements aidera à surmonter les difficultés de la coïncidence des deux sessions.

Malgré la gêne qui pèse malheureusement sur de nombreuses branches du commerce et de l'industrie, la situation des finances est satisfaisante.

Le Budget de l'État bénéficie maintenant de ce que, dans les dernières années, au milieu d'une plénitude extraordinaire de ressources financières, à côté des riches allocations en faveur des intérêts idéaux et matériels du pays, et à côté des mesures pour l'allégement des prestations de la population, on a pu songer à l'emploi de fortes sommes pour amortir la dette publique,—et surtout de ce que, dans les évaluations des recettes de l'État, on a eu égard d'avance à la probabilité d'une moins-value de quelques services de recettes. Bien que dans les recettes provenant des impôts se manifestent des moins-values causées par la réforme et la réduction des taxes, les évaluations pour 1875, comparées à celles de 1874, ne montrent pas de marche rétrograde.

L'année 1873 ayant eu en outre pour résultat final un excédant considérable, les ressources disponibles permettent de satisfaire aux exigences, là où s'est manifesté un besoin d'augmenter les dépenses de l'État.

Vous verrez par le budget, qui vous sera soumis sans retard, que sont proposées des allocations importantes pour l'élévation des revenus du clergé et des instituteurs primaires, pour l'encouragement des arts et des sciences, pour le développement et l'encouragement de toutes les branches de l'instruction publique, pour l'amélioration et l'extension des chemins de fer de l'État, des ports, des

routes et canaux, pour l'encouragement de l'agriculture et de l'élevage des bestiaux.

L'achèvement des réformes administratives, le complément des institutions de l'autonomie communale, vous occuperont dans une mesure étendue. Le Gouvernement vous présentera des projets de lois couronnant l'édifice dont la loi sur l'organisation des cercles forme la base, et applicables pour le moment aux Provinces où cette dernière loi est en vigueur.

En connexité intime avec la loi sur l'organisation des Provinces, qui vous sera de nouveau présentée, et à laquelle est jointe un projet instituant une Province spéciale de Berlin, est le projet de dotation des Provinces, dont l'adoption définitive est dans l'intérêt pressant des Provinces et de l'État.

Les institutions de la justice administrative, dont la base est formée, dans les Provinces où la loi sur les cercles est en vigueur, par les commissions de cercles et les tribunaux administratifs de districts, seront étendues et couronnées par un Projet de la Loi sur l'organisation des tribunaux administratifs et la création d'une cour administrative suprême.

L'achèvement de la réorganisation administrative dans celles des Provinces où il a commencé avec succès par la loi sur les cercles, offrira en même temps un guide sûr pour les réformes correspondantes dans les autres parties de la monarchie; les travaux législatifs dans ce but sont déjà en pleine voie d'exécution.

Afin de répondre à votre sollicitude pour l'agriculture, le Gouvernement de Sa Majesté le Roi est occupé de la révision de la législation en vigueur sur la colonisation, et du règlement du régime des travaux agricoles.

Il vous sera présenté des Projets de Lois sur la formation d'associations forestières, sur les forêts protectrices et sur la répression des épidémies du bétail, projets répondant à des besoins sensibles de l'agriculture.

La nécessité d'une amélioration complète des routes servant à la circulation publique est dès longtemps reconnue de toutes parts. Jusqu'ici le défaut d'organes appropriés de l'auto-administration s'opposait au règlement de cette affaire. Mais la loi sur les cercles ayant dans l'intervalle obvié pour l'essentiel à ce défaut, il vous sera présenté le projet d'une loi sur les routes et d'une loi sur l'établissement des rues et des places, ainsi que sur les constructions qui les bordent.

L'administration des routes et chaussées, la construction des chaussées et les subsides à allouer aux cercles et aux communes pour la construction des routes, seront confiées aux Provinces en même temps que la remise de dotations.

Un besoin urgent, qui s'est fait jour, c'est celui de donner aux

paroisses catholiques l'occasion de sauvegarder par des organes élus leurs intérêts dans la gestion des biens de l'église. Un Projet de Loi élaboré dans ce but vous sera soumis dans un bref délai.

Le Projet de Loi sur les tutèles, qui n'a pas été voté dans la dernière session, sera soumis de nouveau à vos délibérations.

Messieurs ! La tâche pour la solution de laquelle le Gouvernement de Sa Majesté réclame votre concours est en majeure partie d'une portée fondamentale pour l'ensemble du développement ultérieur de notre législation. Le Gouvernement tient donc au plus haut degré à terminer, dans la session prochaine, en suite des sentiments de confiance et de conciliation du Landtag, ces réformes qu'il projète en première ligne. Il compte sur votre dévouement patriotique éprouvé.

Au nom de Sa Majesté l'Empereur et Roi je déclare ouverte la session du Landtag.

DISCOURS de l'Empereur d'Allemagne, à l'Ouverture du Reichstag.—Berlin, le 27 Octobre, 1875.

(Traduction.)

HONORÉS MESSIEURS,

LE désir que Sa Majesté l'Empereur avait de vous saluer personnellement, au moment où vous reprenez votre activité constitutionnelle, n'a pu, au vif regret de mon auguste Maître, se réaliser. Sa Majesté a donc daigné m'autoriser, en son nom et au nom des Gouvernements Confédérés, à vous souhaiter aujourd'hui la bienvenue.

La session qui va s'ouvrir réclamera votre activité plutôt pour l'achèvement et le perfectionnement des lois existantes que pour la création d'institutions nouvelles.

Depuis votre dernière session, la législation—commencée à la fin de 1871, et menée à fin au commencement de cette année—relative-ment au système monétaire et à la question des banques en Allemagne, a reçu une exécution presque complète. La création de nos nouvelles monnaies, dépassant ce qu'on attendait à cet égard, a permis à Sa Majesté, d'accord avec le Conseil Fédéral, de fixer le 1^{er} Janvier de l'année prochaine comme époque où entrera en circulation la nouvelle monnaie de l'Empire. Le retrait du papier-monnaie des États particuliers et son remplacement par les billets de la caisse de l'Empire avancent rapidement et d'une façon régulière. Les bank-notes de moindre valeur nominale ont déjà en grande partie disparu de la circulation et, d'ici à la fin de l'année, elles en seront généralement retirées. Les banques particulières

sont occupées à conformer pour le reste leurs institutions à la législation nouvelle. La banque de l'Empire, à la fondation de laquelle toutes les parties de l'Empire ont contribué, étendra, au commencement de l'année prochaine, son activité à l'Empire tout entier. Elle commencera en même temps à prendre en main les affaires de la caisse centrale de l'Empire.

Dans le Budget de l'Empire pour 1876 les recettes régulières de l'Empire ont pu être évaluées sensiblement plus haut que pour l'année courante. Cet excédant néanmoins ne couvrira pas la réduction de recettes qui provient de la diminution naturelle d'intérêts sur le placement des fonds de l'Empire, et surtout de l'anticipation qui a eu lieu dans le Budget de cette année sur les excédants de l'année passée. Pour couvrir cette diminution de recettes et pour suffire au surcroît de dépenses d'administration, que l'on ne peut repousser, si l'on examine avec soin la situation financière, une élévation des contributions matriculaires ne vous sera point proposée. Les Gouvernements Confédérés partagent la conviction—qui vous a dirigés, honorés Messieurs, dans la discussion du Budget de cette année—qu'il faut éviter une augmentation de ces contributions. Ils sont d'avis que l'équilibre du Budget ne doit point être établi par une imposition qui ne tient pas compte de la force imposable des États particuliers, mais bien par des taxes qui se rattachent à la consommation et aux transactions. En conséquence, vous seront présentés des Projets de Loi sur l'élévation de l'impôt sur la bière et sur la création d'un droit de timbre frappant les affaires et les titres de Bourse.

Le projet de Budget de l'Empire indique un changement dans l'organisation administrative des Postes et des Télégraphes. L'expérience a démontré d'une manière convaincante que la réunion de ces deux administrations jusqu'ici séparées, mais dont le but est finalement identique, répond à l'intérêt général et permet une exploitation plus simple et moins coûteuse. Les rapports de la Poste avec les chemins de fer doivent être réglés de commun accord par une loi qui vous sera présentée. L'allocation d'un crédit pour compléter l'établissement des télégraphes vous sera demandée.

La Loi Industrielle a créé pour les caisses de secours industrielles un régime seulement provisoire, dont les inconvénients ont été plusieurs fois déplorés par vous, et sont vivement ressentis par les Gouvernements Confédérés. Deux Lois, l'une modifiant le titre VII de la Loi Industrielle, l'autre relative aux caisses de secours mutuels, mettront fin à ces inconvénients. Elles se bornent à régler les secours en cas de maladie—le règlement de fonds de retraite pour les vieillards, matière non moins importante, n'étant pas encore suffisamment préparé.

La législation relative à la propriété littéraire, votée il y a 5 ans,

ne s'étendait pas aux œuvres d'art. Il vous sera soumis des Projets de Loi comblant cette lacune de la législation sur la propriété intellectuelle et établissant des règles pour deux matières analogues, le droit d'auteur sur les modèles et la protection des photographies.

L'application du Code Pénal a révélé des lacunes et des défauts de cette Loi, qu'il est dans l'intérêt de la justice de combler et de faire disparaître. C'est pourquoi le Conseil Fédéral a procédé à une révision de la Loi sur la base des propositions faites par les Gouvernements Confédérés. Un Projet de Loi sorti de ces propositions est en discussion au Conseil Fédéral, et, cette discussion terminée, il vous sera soumis.

Un Traité d'Amitié, de Commerce et de Navigation conclu avec la République de Costa Rica vous sera présenté pour ratification. Calqué sur le Traité entre l'Allemagne et San Salvador, il contribuera, nous l'espérons, à activer nos relations commerciales avec ce pays remarquable par sa situation entre deux océans et la richesse de ses produits.

Les Projets de Loi qui vous furent soumis l'année passée, dans le but de régler définitivement le contrôle constitutionnel des recettes de l'Empire, ont été discutés dans votre dernière session, mais n'ont pu être adoptés définitivement. Il vous sera transmis de nouveaux projets sur cette matière.

En Alsace-Lorraine la Diète Consultative, instituée par Ordonnance du 29 Octobre, 1874, est entrée en activité pour la première fois l'été dernier. Elle a donné son préavis sur le Budget local ainsi que sur d'autres Projets de Loi soumis à son vote et destinés à mettre à exécution des Lois Impériales et à combler des lacunes de la législation locale. C'est sur les propositions de la Diète que repose un Projet de Loi réglant la question, discutée aussi par vous, de l'indemnité à allouer aux détenteurs de charges judiciaires autrefois vénales. Les décisions prises seront portées en entier à votre connaissance avec les procès-verbaux des débats. Ils autorisent à admettre que la Diète a posé une base favorable pour le concours de la population à l'administration de la Province Impériale.

En Alsace-Lorraine, comme dans tout l'Empire, un coup d'œil jeté en arrière sur le peu d'années qui se sont écoulées depuis la paix de Francfort, nous autorise à exprimer notre satisfaction des progrès constants du développement de nos institutions politiques à l'intérieur, et de la consolidation de nos bons rapports avec l'étranger.

Si néanmoins il se produit dans le commerce une de ces stagnations qui reviennent périodiquement dans le cours des temps, le Gouvernement n'a malheureusement pas le pouvoir de remédier à cet état de choses regrettable, qui se fait sentir dans d'autres pays de même qu'en Allemagne. Mais, dans tous les cas, ce fait ne

résulte point de l'incertitude de la politique et surtout de celle de la paix extérieure. De même que, l'an passé, vous avez pu être accueillis avec l'expression de la confiance dans la durée de la paix, depuis lors et aujourd'hui encore le maintien durable de la paix est, suivant les prévisions humaines, plus assuré qu'il ne le fut jamais dans les 20 années qui précédèrent le rétablissement de l'Empire Allemand. Abstraction faite de l'absence de tout motif appréciable de trouble, il suffit, pour maintenir la paix, de la volonté ferme, où Sa Majesté l'Empereur se sait uni aux Monarques qui lui sont liés d'amitié, ainsi que de l'accord des vœux et des intérêts des peuples. Les Puissances dont l'union, durant une période antérieure de notre siècle, assura à l'Europe les bienfaits d'une longue paix, en sont les appuis aujourd'hui également, y étant secondées par l'assentiment de leurs peuples ; et la visite dont Sa Majesté l'Empereur revient en ce moment, l'accueil chaleureux qu'il a trouvé auprès de Sa Majesté le Roi d'Italie et de la population toute entière, affermissent la conviction que l'unité intérieure et l'amitié réciproque où l'Allemagne et l'Italie sont arrivées en même temps constituent une garantie nouvelle et durable du développement pacifique de l'Europe.

*DISCOURS du Roi des Hellènes, à l'Ouverture des Chambres.—
Athènes, le 23 Août, 1875.*

(Traduction.)

MESSIEURS LES DÉPUTÉS,

LE cœur rempli d'espoir je me rends dans le Congrès National pour inaugurer une nouvelle Législature, qui promet d'être féconde en heureux résultats pour la patrie. C'est avec une entière confiance que je m'adresse aux représentants du peuple, et les invite à s'associer à mes efforts pour le succès de la chose publique par la consolidation des institutions constitutionnelles du pays et le développement de la vie parlementaire.

Mon Gouvernement s'est scrupuleusement abstenu de toute pression sur la volonté du peuple, et s'est soigneusement appliqué à lui garantir le libre exercice de ces droits. Je félicite la nation de la conduite qu'elle a tenue pendant les élections ; elle s'est montrée digne de ses libertés.

Il est encore du devoir de mon Gouvernement de continuer avec activité et de compléter les poursuites légales des infractions à la Loi Électorale ; et quant au couronnement de l'édifice d'une vraie et sincère représentation nationale, il sera posé par la légitime sévérité avec laquelle vous procéderez à la vérification des pouvoirs.

Et de même que mon Gouvernement a montré le plus grand

respect pour les droits du peuple, de même sera pleine et entière la reconnaissance des prérogatives de ses élus, qu'elles résultent de la lettre ou de l'esprit de la constitution.

Ces prérogatives du Parlement correspondent à des devoirs qui lui incombent. Exigeant comme une condition indispensable chez ceux qui sont appelés par nous au gouvernement du pays la confiance manifestée de la majorité des représentants de la nation, j'entends que la Chambre rende possible l'existence de cette condition, sans laquelle l'espoir du fonctionnement régulier de nos institutions devient illusoire.

Ainsi, je m'attends que la Chambre, aussitôt qu'elle sera constituée, soit à même de s'acquitter de ce devoir, afin que l'opinion d'un Parlement légitimement constitué me serve de guide sûr pour la formation et la politique d'un Gouvernement constitutionnel.

Vous aurez alors à vous occuper des questions pendantes, nées d'une situation anormale, et auxquelles j'ai cherché une solution légale et conforme aux vœux et aux désirs du pays, en en faisant appel à la nation.

Toutes les fois que, pour remplir cette tâche, vous sera nécessaire le concours de mon Gouvernement, celui-ci s'empressera de vous le prêter ; en conséquence, seront soumis à vos délibérations des Projets de Loi appratifs des ordonnances par lesquelles il a fallu régler, durant la période où ces questions ont dû rester pendantes, des matières d'une nécessité absolue.

Mes relations avec toutes les Puissances étrangères sont excellentes, et la Grèce jouit des bienfaits de la paix.

Considérant le progrès pacifique du pays comme le meilleur moyen pour l'accomplissement de sa haute mission, je suis et je seconde avec empressement le développement des bons rapports du royaume avec les pays étrangers.

L'œuvre des réformes législatives, dont l'expérience nous indique la nécessité, est en retard par suite des difficultés qui souvent ont mis obstacle au fonctionnement normal du parlement. Je suis persuadé qu'il ne se présentera plus de semblables difficultés, et qu'en vous livrant avec zèle à une étude approfondie de tous les points qui exigent qu'on y pourvoie législativement, vous répondrez à l'attente du pays.

Ainsi, quoique explicitement ordonnée par la constitution, l'élaboration des Lois concernant la responsabilité des Ministres et les conditions d'aptitude pour les fonctionnaires publics et les Magistrats, est encore attendue.

La nécessité de la révision de la Loi Électorale est depuis longtemps reconnue, et depuis longtemps aussi on s'est livré à des travaux préparatoires en vue de la adoption d'un nouveau système mettant un terme aux associations électorales, étendant les circon-

scriptions et assurant aux minorités une représentation proportionnée à leur importance numérique. De même l'expérience nous conseille d'accorder à la justice une plus grande part dans la direction des opérations électorales ; elle nous conseille aussi quelques autres mesures propres à prévenir les abus.

La décentralisation par l'organisation du département et de la commune, et par l'attribution d'une juridiction à leurs autorités électorales, ainsi que par le fractionnement du pouvoir administratif et du pouvoir municipal, est une réforme qui mérite une étude toute particulière.

L'état de l'agriculture, grevée d'un impôt foncier sur les céréales, excessif aussi bien qu'onéreux à raison de son mode de perception, mérite aussi toute notre sollicitude. Supprimer la dîme en la remplaçant, en partie seulement, par un impôt sur les bêtes de labour et en augmentant les droits d'importation, ce sera contribuer au progrès de l'agriculture, de manière à ce que bientôt l'accroissement de la production supplée à la diminution des recettes qui résultera, pendant les premières années, du dégrèvement de l'impôt foncier. Une meilleure organisation des douanes contribuera à faire disparaître plus vite ce déficit.

Le perfectionnement des voies de communication favorisera pareillement l'agriculture et stimulera la vitalité du pays. C'est donc chose très-importante pour nous que le réseau des voies ferrées de l'Europe s'étende sur notre territoire. Et pour que la caisse spéciale pour la construction des routes prenne de la consistance et produise les résultats qu'on est en droit d'attendre de cette excellente institution, il faut que de nouvelles ressources viennent l'enrichir.

Si l'application du peuple aux travaux de la paix et l'aisance qui en résulte contribuent à la prospérité de l'État, il est cependant du devoir de tout citoyen de défendre personnellement l'intégrité du territoire et de contribuer à ce que la nation maintienne dignement sa place dans le monde. Tous doivent s'exercer au maniement des armes et servir militairement le pays ; dès lors il faut, par l'adoption des principes qui dernièrement ont été généralement admis, régler ce devoir et en faire une obligation pour tous. L'organisation de l'armée doit être de même réglée par des Lois au lieu des Ordonnances qui la régissent jusqu'à ce jour.

Il faut pourvoir aussi au développement des forces navales du pays. Ce serait favoriser notre marine nationale que de créer avec le concours du Gouvernement une Grande Société Nationale de Navigation à Vapeur.

La situation du clergé, de l'instruction donnée par l'État et la commune, les intérêts de nos compatriotes qui se rendent à l'étranger comme commerçants ou navigateurs et de ceux qui y sont établis,

exigent une sollicitude immédiate. Sur tous ces points, mon Gouvernement a le devoir, ayant élaboré la matière, de provoquer vos délibérations. Votre patriotisme, votre expérience des besoins du pays me sont une garantie de l'accueil empressé et du travail éclairé dont ces projets seront l'objet de votre part.

En contribuant ainsi par l'expression de votre confiance et par votre légitime coopération à l'accomplissement régulier de l'œuvre gouvernementale et législative, vous attesterez avec éclat cette vérité, en laquelle j'ai une confiance inébranlable, à savoir, que les plus solides assises de la prospérité et du progrès moral et matériel du pays, ce sont nos institutions parlementaires loyalement appliquées.

En appelant sur vos délibérations et vos travaux le secours d'en haut, je déclare ouverte la première Session de la septième Législature.

*DISCOURS du Roi de Suède, à l'Ouverture de la Diète.—
Stockholm, le 18 Janvier, 1875.*

(Traduction.)

MESSIEURS,

VOUS venez reprendre vos travaux prescrits par la constitution dans un moment de paix extérieure et de relations amicales avec toutes les Puissances étrangères. Cet heureux état de choses, le calme intérieur et la prospérité non-interrompue du Royaume, ne sauraient que faciliter la tâche qui vous incombe de délibérer sur les affaires importantes du pays.

Deux ans se sont bientôt écoulés depuis que vous exprimiez le désir qu'avec l'abolition des impôts fonciers la défense du pays fût réorganisée sur la base du service obligatoire. Comptant sur un concours sérieux de votre part pour atteindre ainsi une organisation réellement satisfaisante de l'armée, je fis sans retard exécuter les travaux indispensables pour obtenir un exposé de ces deux questions liées ensemble selon votre désir. Depuis lors ces travaux ont continué sans interruption.

Des Projets de Loi sur une nouvelle organisation de l'armée et de la marine, ainsi que sur le service militaire obligatoire, se trouvent élaborés et ont été examinés avec soin par des hommes compétents.

Un rapport sur l'abolition des impôts fonciers a été publié par mon ordre et transmis aux autorités compétentes afin de subir l'examen prescrit par la Constitution ; mais le caractère très compliqué de cette question importante n'a pas encore permis de terminer son étude.

Considérant cependant que c'est par votre propre initiative que l'abolition des impôts fonciers a été rendue dépendante d'une nouvelle organisation de la défense nationale, et qu'en tout cas, pour ce qui concerne cette dernière question, les projets y relatifs ne devront pas être mis en exécution avant que l'abolition des impôts fonciers ait été d'abord réglée, je n'hésite point de vous soumettre pendant la session actuelle les parties déjà terminées de cette vaste organisation, et j'attends le résultat de vos délibérations avec une confiance entière dans votre patriotisme et dans votre désir sincère d'assurer la défense du pays.

Une nouvelle branche principale de la grande entreprise qui fut commencée il y a 20 ans, vient d'être achevée par l'ouverture du chemin de fer de l'Est. Les allocations considérables que je vous demanderai pour le développement de la circulation sur les voies ferrées de l'État ont été rendues nécessaires par suite de l'activité accrue de notre industrie. Mais en même temps que les dépenses, les revenus de l'État se sont augmentés, et pendant l'année qui vient de s'écouler le total des recettes a considérablement dépassé le chiffre calculé par vous.

En appelant sur vos travaux les bénédictions du Tout-Puissant, je déclare ouverte la Session actuelle, et je vous renouvelle, Messieurs, les assurances de mon affection et de ma bienveillance.

DISCOURS du Roi de Suède et de Norvège, à l'Ouverture du Storthing de Norvège.—Christiania, le 2 Février, 1875.

(Traduction.)

MESSIEURS,

DEPUIS la dernière Session du Storthing la situation économique du pays a continué à être bonne, quoique la moisson de l'année dernière ait généralement été un peu au-dessous de la moyenne, et que depuis quelque temps deux des principales industries du pays n'aient pas prospéré autant que par le passé.

Les revenus de l'État ont été abondants, et pendant l'année dernière les recettes des douanes ont surtout atteint un chiffre dont elles ne se sont jamais approchées auparavant, preuve que la capacité de consommation du pays a été plus grande que d'ordinaire.

Mais à côté de la prospérité économique subsiste cette cherté de toutes les choses nécessaires à la vie, sur laquelle j'appelais votre attention à l'ouverture de la dernière Session; et les appointements des fonctionnaires, fixés dans des circonstances tout autres, continuent à être insuffisants. Aussi ai-je l'intention de présenter de nouveau, à quelques modifications près, le même projet d'une augmentation provisoire des appointements qu'à la Session de l'année

passée, un projet dont certaines parties furent approuvées par le Storthing. Il vous sera présenté également un Projet de Loi tendant à accorder aux sous-officiers de l'armée une augmentation de paie réquise par les circonstances.

L'intérêt du public pour la construction de nouvelles lignes ferrées et la disposition à faire les sacrifices nécessaires pour ce but n'ont pas diminué. Une commission d'hommes compétents a été chargée de faire un rapport sur plusieurs questions qui se rattachent à cette matière importante. Les communications au Storthing qui pourront en résulter ne devront donc être attendues que plus tard.

Je me propose de présenter au Storthing un projet pour l'exécution complète de la réforme monétaire préparée par la Loi du 4 Juin, 1873, et en même temps je vous présenterai un projet d'adhésion pour la Norvège à la Convention Monétaire qui existe déjà entre la Suède et le Danemark. Le Storthing comprendra sans doute avec moi, combien il est difficile de maintenir la situation provisoire dans laquelle la Norvège se trouve actuellement par rapport à la question monétaire.

J'ai également l'intention de vous présenter un projet pour l'introduction du système métrique pour les poids et mesures.

Nous continuons à avoir avec les Puissances étrangères les relations les plus amicales.

En vous exprimant mes regrets de ne pouvoir ouvrir en personne la Session du Storthing, j'appelle la bénédiction du Tout-Puissant sur vos travaux et vous réitère, Messieurs, les assurances de mon affection et de ma bienveillance.

*SPEECH of the Emperor of Brazil, on Closing the Extraordinary Session and Opening the General Assembly.—
Rio de Janeiro, May 3, 1875.*

(Translation.)

AUGUST AND MOST WORTHY REPRESENTATIVES OF THE NATION,

I HAVE to thank you for your exertions in the extraordinary Session, and hope, under the well-grounded confidence of all Brazilians, that the political and economical question which most concerns the representative system, and the increase of the national wealth, will now be solved.

Thanks to the Almighty, the sanitary condition of our people has sensibly improved, and the Government are seeking to remove, in proportion to the means at their disposal, the causes which affect the natural conditions of health.

Public order, which was lately disturbed in some of the northern Provinces, is now completely re-established.

We continue in peace with other nations, reciprocal interests developing from day to day, with the interchange of just and mutual regard, which tend to render more and more agreeable these friendly relations.

The Representative of the Argentine Republic having arrived at this port, negotiations for the definitive adjustment of peace between that Republic, the ally of the Empire, and Paraguay are going on. The prudence and good feeling of the Contracting Parties justify the hope that the result universally wished for will be attained.

The dioceses of Olinda and Pará continue in the abnormal condition produced by the conflict provoked by the respective prelates. Unfortunately the Government have been forced to employ repressive measures, in order to bring that part of the Brazilian clergy to a proper sense of obedience to the laws and the Constitution.

I trust that the Holy See, under conviction of the truth of the facts, and a clear appreciation of such painful circumstances, will do everything in its power to restore the harmony formerly existing between the civil and ecclesiastical authorities; but, should it be necessary, I count on your enlightened cooperation for the legislative measures that such a state of affairs may require.

The public revenue has suffered a diminution during the financial year 1873-74; it is, however, reassuming its natural progress in the course of the present financial year, notwithstanding the reduction of duties introduced in the new Customs tariff, and the unfavourable aspect of agriculture and commerce in some of the Provinces.

The ordinary expenditure has kept pace with the revenue, leaving out of the latter the product of the operations of credit appropriated to extraordinary expenditure. Nevertheless, the extent of obligations already contracted demands the utmost consideration in fixing the annual credit, and still greater in the method of their application.

The zeal which you have afforded to the discussions of the project of Electoral Law is a pledge that you will, in due time, endow the nation with this indispensable reform, the object of which is to correct the defects generally felt of the system in force, and guarantee legitimate representation to the various political opinions.

The want of labour, capital, and professional instruction, means indispensable to the advantageous development of our vast and most fertile territories, is the greatest obstacle opposed to agriculture, the principal source of public and private wealth. It is not an easy matter to provide, all at once, against these requirements, but I feel assured that our persevering efforts will go on administering to the prosperity of the nation in its progressive career.

With this view I specially invite your attention to the projects relating to such varied and vital interests of our society.

The budget, the development of primary, secondary, and professional instruction, as well as the establishment of credit, as auxiliaries to agriculture, are urgent measures worthy of the solicitude with which you have contemplated them.

August and most worthy Representatives of the Nation,—A young country like Brazil, endowed with such exuberant territorial resources, while it demands great and constant efforts to attain the future that is in store for it, at the same time offers powerful elements for overcoming the difficulties of the undertaking. Let us proceed in this honourable vocation with untiring confidence, proving ourselves ever deserving of the protection of the Almighty, who has never failed Brazil.

The extraordinary Session is closed, and the last of the present Legislature is opened.

PEDRO II, *Constitutional Emperor and
perpetual Defender of Brazil.*

*DISCOURS du Prince de Serbie, à l'Ouverture de l'Assemblée
Nationale.—Kragouïévatz, le ^{20 Août,}
10 Septembre, 1875.*

(Traduction.)

MESSIEURS LES DÉPUTÉS,

J'AI toujours aimé à me trouver au milieu des Représentants de mon peuple, mais aujourd'hui plus que jamais j'ai lieu d'être satisfait de me voir entouré de vous. Depuis longtemps une Assemblée Nationale n'a été convoquée dans d'aussi graves circonstances, et, si jusqu'à présent j'ai eu besoin de votre concours patriotique pour l'accomplissement de ma tâche difficile, c'est aujourd'hui surtout que je sens la nécessité de cet appui.

Messieurs les Députés,—Nos populations frontières viennent d'être inquiétées dans leur tranquillité domestique. Une partie même a dû quitter ses champs et prendre les armes pour veiller à la sécurité du pays sur nos frontières du sud et de l'est.

Vous n'ignorez pas que les événements qui se sont passés dans les Provinces voisines de la Principauté, en Bosnie et en Herzégovine, ont créé la situation difficile dans laquelle la Serbie se trouve aujourd'hui. Les populations de ces Provinces, désespérant de voir la fin de leurs souffrances, se sont soulevées, les armes à la main, pour se défendre des abus qu'elles endurent en dépit des intentions humaines et généreuses de Sa Majesté le Sultan.

En prenant des mesures tendant à la pacification de ces Provinces, le Gouvernement Impérial déploie en même temps à nos

frontières de grandes forces militaires. Ces concentrations de troupes autour de la Serbie augmentent encore la gravité d'une situation déjà difficile en soi. Tandis que nos populations voient une menace dans ces concentrations et réclament du Gouvernement des mesures de défense, les réfugiés, tant Chrétiens que Mahométans, fuyant le glaive et le feu, viennent chercher un asile sur notre territoire et apportent à notre pays et à ses autorités de nouvelles inquiétudes et lui imposent d'immenses sacrifices.

Cet état de choses, s'il se prolongeait, finirait par devenir intenable. Mais, comme la Sublime Porte, d'accord avec les Puissances Garantes, a entrepris l'œuvre de pacification, nous pouvons espérer que Sa Majesté Impériale le Sultan et les Hautes Puissances Garantes trouveront, dans leur sagesse, une solution heureuse qui ramènera définitivement la tranquillité dans ces contrées dont le sort ne peut nous être indifférent.

En effet la Serbie, en tant que voisine immédiate de ces Provinces, souffre au double point de vue moral et économique, des insurrections périodiques de leurs habitants; elle n'est par conséquent pas moins intéressée à ce qu'il soit mis fin une fois pour toutes à cet état de choses. C'est pourquoi je ferai tous mes efforts pour contribuer dans la mesure de nos faibles moyens à ce que le résultat atteint rende à ces contrées bouleversées un contentement durable.

Messieurs les Députés,—Bien que nommés depuis peu de jours les Ministres que j'ai réunis autour de moi dans ces graves circonstances vous soumettront néanmoins quelques Projets de Lois tendant à l'amélioration de nos institutions nationales, savoir: une loi destinée à augmenter les garanties de sûreté personnelle, une loi sur l'extension de la liberté de la presse, et une loi sur l'extension de l'autonomie communale. En abordant le plus tôt possible ces importantes matières, le Gouvernement ne fait que venir au devant d'un désir exprimé dans les Assemblées précédentes et je ne doute pas qu'une solution satisfaisante ne soit le résultat de vos délibérations.

Je suis heureux enfin de pouvoir vous faire part d'un événement qui concilie mes sentiments intimes avec mes devoirs de Souverain. Descendant de cette race à laquelle le peuple Serbe a toujours témoigné son dévouement, j'ai cru dans la réalisation d'un vœu personnel satisfaire en même temps à ceux de mon peuple en choisissant pour compagne de ma vie et de mon trône Nathalie Péetrovna, appartenant par sa naissance à la nation Russe, à laquelle nous rattachent les liens de la religion et du sang, ainsi que les nombreux et précieux souvenirs du passé.

L'Assemblée Nationale est ouverte. Que la sagesse préside à vos travaux, pour pouvoir dignement répondre à votre tâche difficile! Que la concorde règne entre vous, cette concorde qui dans les circonstances difficiles n'a jamais fait défaut, soit au sein de l'Assemblée

elle-même, soit entre elle et mon Gouvernement! C'est là le point de départ, le fondement le plus solide de notre force et de notre avenir.

*DISCOURS du Prince de la Roumanie, à la Clôture des
Chambres.—Bucarest, le $\frac{1}{2}$ $\frac{6}{8}$ Mars, 1875.*

(Traduction.)

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS,

JE viens au milieu de vous pour vous adresser en personne les paroles qu'il m'est donné de vous dire à la fin de chaque Session.

La solennité toute particulière qui entoure aujourd'hui cet acte résulte de sa signification même au point de vue de notre développement constitutionnel.

Messieurs les Sénateurs,—Par l'appui que, cette fois encore, vous avez donné aux réformes proposées par mon Gouvernement, vous avez continué l'œuvre constitutionnelle confiée au Haut Corps pondérateur, et la première Session du Sénat renouvelé vient s'ajouter, avec un égal succès comme avec un égal mérite, aux Sessions de sa Législature passée.

Je ne puis donc que vous remercier de l'activité infatigable avec laquelle vous avez rempli votre mission jusqu'au dernier jour, et je suis convaincu que dans la prochaine Session vous serez animés de la même pensée et du même sage patriotisme.

Messieurs les Députés,—Le terme de votre mandat venant à expirer, mon Gouvernement, se conformant aux prescriptions constitutionnelles, mettra le pays en position d'élire de nouveau ses représentants à la Chambre.

Une Législature complète de 4 années, remplie d'activité, inspirée par le bien public et conservant une parfaite entente avec mon Gouvernement, représenté par le même Ministère, témoigne suffisamment de l'aptitude du pays à s'identifier aux nouvelles exigences du temps.

La stabilité, qui pour la première fois s'est maintenue avec autant d'énergie parmi les représentants des pouvoirs de l'État, n'a pas manqué de produire ses effets bienfaisants, et, dans toutes les branches de l'Administration publique, nous pouvons déjà jouir des améliorations accomplies.

Le contrôle constitutionnel est enfin devenu une réalité. Notre système financier, réglementé dans tous ses détails, est arrivé à un état de complète clarté. Les comptes ont été liquidés à temps, et, toujours une année d'avance, selon les vœux de la Constitution, vous avez été à même de connaître le budget des revenus et des dépenses

de l'État. La dette flottante a été réglée et arrêtée dans des limites certaines. Une nouvelle forme du crédit de l'État a été introduite par la création de la rente, qui représente en même temps un véritable progrès dans notre situation financière. La rente elle-même, précédée par la réalisation favorable de l'emprunt domanial, a pu être émise à un taux tellement significatif pour le crédit du pays qu'il nous a placé au niveau des États dont l'ordre stable et régulier des finances est reconnu. Des ressources nouvelles et abondantes ont été ouvertes à l'État par le monopole des tabacs, par les lois du timbre et des licences des boissons. D'un autre côté, l'institution du Crédit Foncier Roumain, l'organisation de l'administration des domaines, la loi douanière avec ses tarifs, et surtout la solution sage des différentes questions relatives aux chemins de fer, ont inauguré dans notre pays l'ère nouvelle d'un développement matériel considérablement accentué.

La conséquence naturelle de cette action incessante sur le terrain économique se trouve dans l'augmentation de notre crédit tant à l'intérieur qu'à l'extérieur. Les cours des effets émis par l'État a monté et s'est maintenu; le taux de l'intérêt des emprunts a baissé, et, en raison directe de la confiance qu'inspire le pays, nos relations avec les Puissances garantes et avec les autres États se sont multipliées et agrandies.

Des Conventions Internationales ayant pour but différents intérêts ont pu être conclues avec l'Autriche-Hongrie, la Russie, et la Serbie; nous avons signé le Traité de Berne pour l'Union Postale, et notre participation au mouvement de la culture générale en Europe est un fait reconnu.

Au milieu de tout ce développement, l'armée ne pouvait pas être oubliée. La loi de la nouvelle organisation de 1872, la loi sur l'avancement, le code de la justice militaire, ainsi que les ressources votées pour les constructions et pour le perfectionnement de l'armement, prouvent la résolution ferme de la Roumanie de défendre, dans les limites de sa position, sa dignité d'État et ses droits basés sur les Traités.

Vous n'avez pas moins contribué, par vos travaux, au développement des intérêts moraux du pays. Par la loi du Synode vous avez mis le fondement de l'Église Orthodoxe Nationale. Par la loi sur l'admissibilité judiciaire, par la réforme du Code Pénal et de l'institution du jury, vous avez donné à l'État une garantie plus efficace pour ce qui constitue la base même de son existence, à savoir, la distribution assurée de la justice. La modification des lois districtale et communale, l'organisation du service sanitaire, la réforme du régime des prisons, sont autant de progrès réel dans la marche de l'administration générale.

Il n'y a pas longtemps, la Roumanie, ramenée à une vie
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nationale nouvelle après l'état d'abattement où l'avait jeté le régime du passé, revendiquait pour la première fois devant l'Europe sa part de lumière et affirmait l'aptitude pour elle de marcher, de front avec les autres États, dans la voie du progrès véritable. Se rencontrant dans un généreux sentiment, les Puissances garantes sont venu en aide aux aspirations de notre jeune État et ont encouragé les efforts qu'il faisait dans le but de se constituer sur les bases d'une civilisation, vers laquelle le sollicitent toutes ses traditions d'État Chrétien, ainsi que ses parentés de sang.

La persévérance avec laquelle la nation entière a travaillé pour l'accomplissement de ce but supérieur et digne de la vie d'un peuple libre commence à donner les résultats désirés. Votre patriotisme éclairé et prudent, l'harmonie que vous avez toujours maintenu avec mon Gouvernement, l'énergie avec laquelle vous avez modéré les ambitions personnelles et les avez forcé de se plier devant le grand but qui doit rester au-dessus de nous tous, c'est-à-dire, le bien de la patrie, sont une preuve évidente que la Roumanie, dans un très court intervalle de temps, a su s'élever au niveau de culture des autres États qui lui ont servi de modèle.

Messieurs les Députés,—En prononçant la clôture de la dernière Session d'une législature arrivée à son terme constitutionnel, je suis heureux de pouvoir vous exprimer mes remerciements pour l'œuvre à laquelle vous travaillez depuis 4 ans. De retour dans vos foyers, vous vous rappellerez avec un juste orgueil d'avoir contribué puissamment à la prospérité du pays dont vous avez été les mandataires.

Messieurs les Sénateurs, Messieurs les Députés,—Je prie Dieu de vous avoir en sa sainte garde et de protéger, dans l'avenir comme par le passé, notre chère patrie.

CHARLES.

L. CATARGI, *Président du Conseil des Ministres*
et Ministre de l'Intérieur.

JEAN EM. FLORESCO, *Ministre de la Guerre, Général*
de Division.

B. BOÉRESKO, *Ministre des Affaires Étrangères.*

AL. LAHOVARI, *Ministre de la Justice.*

G. GR. CANTACUZÈNE, *Ministre des Finances.*

T. MAJORESCO, *Ministre des Cultes et de l'Instruc-*
tion Publique.

TH. ROSSETTI, *Ministre de l'Agriculture, du Com-*
merce et des Travaux Publics.

*DISCOURS du Prince de la Roumanie, à l'Ouverture des
Chambres.—Bucarest, le $\frac{1}{3}^{\text{e}}$ Mai, 1875.*

(Traduction.)

MESSIEURS LES SÉNATEURS, MESSIEURS LES DÉPUTÉS,

JE vous ai convoqué en Session extraordinaire afin que vous vous occupiez de projets de lois importants dont l'application et l'urgente utilité ne sauraient rester en souffrance.

Vous, Messieurs les Sénateurs, dont le pays apprécie déjà le patriotisme et l'expérience éclairée, vous mettrez, j'en suis sûr, aujourd'hui comme par le passé, la même activité, le même dévouement éprouvé, pour que cette Session extraordinaire ne soit pas moins riche en bons résultats pour le pays que ne l'a été la précédente, durant laquelle vous avez eu l'occasion d'acquérir des droits à l'estime et à la reconnaissance du pays.

Cette Session extraordinaire est pour vous, Messieurs les Députés, la première période de votre existence Parlementaire. Je suis heureux de pouvoir vous souhaiter en personne la bienvenue. Appelés à être les représentants du pays, non pas à la suite d'un conflit ni d'une dissolution, mais à la suite de l'expiration d'une manière naturelle et mémorable du mandat de l'ancienne Chambre, on peut avec raison vous prédire que, arrivés sous de si heureux auspices, vous saurez accomplir votre mission, pendant la longue carrière qui s'ouvre devant vous, de manière à ce que vous puissiez la terminer tout entourés de l'auréole des services réels que vous aurez rendus au pays.

La Chambre précédente, ayant réalisé par son activité de 4 ans tant et de si grandes améliorations, et s'étant incessamment trouvé dans une parfaite harmonie avec mon Gouvernement, a pu consolider les véritables bases du régime constitutionnel chez nous et inspirer de la confiance dans nos jeunes institutions de gouvernement libre, institutions qui ne peuvent prospérer dans aucun pays que par une sage application de ces principes d'ordre et d'autorité qui n'excluent ni la liberté ni le progrès.

C'est pourquoi, depuis quelques années, la stabilité n'est plus, chez nous aussi, un simple mot, mais bien une réalité ; c'est pourquoi le progrès se fait lentement, mais d'une manière sûre et permanente. Notre pays a pu obtenir par là une réputation méritée et l'Europe a fini par avoir confiance en son avenir.

L'œuvre est donc commencée. C'est à vous, nouveaux Députés, mandataires nouvellement élus du pays, à la continuer. Appuyés par de nouvelles forces, raffermis par la confiance qu'on a mis en vous et par les progrès déjà réalisés, vous saurez la mener à bonne fin, en la perfectionnant, en la consolidant, en la complétant.

Nous sommes, par le nombre, par l'étendue territoriale, un petit

État; mais, par la puissance de notre droit, par le respect et la confiance que nous aurons su inspirer, nous pouvons avoir toute la valeur d'un grand peuple. Cherchons notre force dans le développement de nos ressources et de nos richesses, dans notre organisation intérieure, dans l'adoption et l'application des réformes compatibles avec notre position et avec nos intérêts, dans la pratique simultanée des principes d'ordre et de liberté.

Lorsque, forts de notre organisation intérieure, nous saurons inspirer une pleine confiance à l'extérieur, par notre maintien dans les strictes limites de la légalité des Traités, par la défense avec modération mais avec fermeté de nos antiques droits; lorsque, tout en pratiquant une sage politique de respect pour les autres, nous ne chercherons qu'à revendiquer pour notre pays l'exercice de nos droits autonomes et à rester, conformément à notre politique d'équilibre, dans les meilleurs rapports avec les grandes Puissances garantes, alors notre force morale sera à l'extérieur tout aussi grande et tout aussi réelle qu'à l'intérieur. La nationalité Roumaine deviendra par là de plus en plus assurée et raffermie.

Vous êtes appelés, Messieurs les Députés, à continuer cette œuvre, à l'extérieur comme à l'intérieur. Vous voyez combien votre tâche est grande et noble. Quand vous l'aurez remplie, durant votre vie Parlementaire de 4 ans, avec patriotisme, intelligence et abnégation, vous aurez assurément obtenu des titres incontestables à la reconnaissance des générations à venir.

Dans la Session actuelle, Messieurs les Sénateurs et Messieurs les Députés, vous n'êtes convoqués que pour le court délai de 30 jours. Ce temps sera destiné en partie pour la vérification des pouvoirs de Messieurs les Députés et pour la constitution de la Chambre.

Vous aurez ensuite, Messieurs les Sénateurs et Messieurs les Députés, à remplir la vacance regrettable qui s'est faite au siège de Primat de la Roumanie. Par suite de la mort de sa Sainteté l'heureux Nippon, qui a su, pendant la longue durée de sa sainte et haute mission, soutenir et défendre la dignité et l'indépendance de notre Église Orthodoxe Roumaine, vous êtes appelés par nos lois à pourvoir, dans la première Session même, à l'élection de son successeur.

Vous aurez encore à vous occuper de quelques projets importants ayant trait surtout à des questions économiques et financières qui ne pouvaient plus être ajournés. Parmi ceux-ci, le projet de concession des chemins de fer Prédeal et Adjud joue le premier rôle. Liés déjà par un Acte International avec l'État voisin de l'Autriche-Hongrie, nous sommes obligés d'achever dans un terme très court, jusqu'au mois d'Août, 1878, la ligne de jonction Ploesti-Prédeal.

Ce n'est donc pas seulement un avantage économique très im-

portant pour nous, c'est aussi une question d'honneur, que l'achèvement de cette ligne à l'époque stipulée. Mais nous ne pourrions atteindre ce but que par l'adoption, dans cette Session même, de la concession obtenue à la suite du concours qui a été publié, car ce n'est qu'ainsi qu'on pourrait gagner la campagne de cette année.

Vous mettez, Messieurs les Sénateurs et Messieurs les Députés, j'en suis sûr, la même activité et la même attention sérieuse pour discuter les autres projets qui vous seront présentés dans le courant de cette Session.

Ainsi, par la co-opération et le commun accord de tous les pouvoirs de l'État, lorsque Sénat, Chambre et Gouvernement, aidés par tous les bons Roumains, travailleront ensemble, unis en principe et en action, l'avenir de la Roumanie sera assuré et la patrie sera fière de ses fils.

Que Dieu veuille bénir vos travaux !

CHARLES.

L. CATARGI, *Président du Conseil des Ministres et
Ministre de l'Intérieur.*

JEAN EM. FLORESCO, *Ministre de la Guerre, Général
de Division.*

B. BOÉRESCO, *Ministre des Affaires Étrangères.*

AL. LAHOVARI, *Ministre de la Justice.*

G. GR. CANTACUZÈNE, *Ministre des Finances.*

T. MAJORESCO, *Ministre des Cultes et de l'Instruc-
tion Publique.*

THEODORE ROSSETTI, *Ministre de l'Agriculture, du
Commerce et des Travaux Publics.*

*DISCOURS du Président d'Haïti, à l'Ouverture des Chambres.—
Port-au-Prince, le 7 Octobre, 1875.*

MESSIEURS LES MEMBRES DU CORPS LÉGISLATIF,

NOMMÉ Président d'Haïti par le vote unanime des Représentants de la nation, réunis en Assemblée Nationale constituante, au mois de Juin de l'année passée, j'acceptai de prendre les rênes de l'Administration du pays, bien pénétré des grandes difficultés auxquelles j'aurais à me heurter et ne craignant pas de me jeter dans la carrière nouvelle où m'appelait ma destinée, avec l'énergique résolution de donner suite à la pensée que je nourrissais et que je nourrirai toujours à l'égard du peuple Haïtien, de le remettre dans la voie tracée par nos pères, de stabilité, d'ordre et de progrès, voie d'où on l'a fait sortir depuis nombre d'années, au nom d'idées mal comprises ou fallacieusement mises en avant. Ces idées, agitées inconsidérément

et édictées, n'ont occasionné que la désorganisation, la misère, la ruine de notre société, et nous ont donné le spectacle des événements que nous avons traversés depuis plus de 30 ans. Ces événements ont été la conséquence de l'oubli au milieu de tous les principes que l'on proclamait de celui qui dit : que le progrès ne naît que du travail, ne s'obtient qu'à l'ombre d'une très-grande paix, dont sait tirer profit un peuple intelligent, convenablement, loyalement, et fraternellement administré.

Ce principe de l'amélioration par la paix, dans de bonnes conditions d'administration établies progressivement, puisse-t-il prendre racine parmi nous, et puissions-nous comprendre que les agitations de l'ambition personnelle ne donneront jamais que le fruit amer de la déception et du découragement !

Certes, la réorganisation du pays n'est pas complètement accomplie, malgré les 5 années de tranquillité, il est vrai relative, qui viennent de s'écouler ; dans cette courte période une amélioration très sensible ne pouvait se produire à la suite surtout de notre épouvantable guerre civile, dont les plaies se cicatrisaient péniblement et douloureusement : notre situation ne s'est que peu modifiée dans le sens formel de nos aspirations, et nous nous trouvons en ce moment en présence d'un état de choses où il y a encore beaucoup à entreprendre et à refaire pour le bien-être du peuple et la conservation de ses intérêts, et surtout pour nos mœurs administratives. Ces 5 années, au point de vue du maintien de la stabilité, ont cependant pour nous leur remarquable signification, c'est la transmission du Pouvoir qui a eu lieu sans encombre. Ce fait est d'un heureux augure pour la continuation de notre repos, auquel seul nous tendons et qui seul doit nous procurer un meilleur sort. Nous devons donc nous réjouir d'avoir assez paisiblement vécu durant ce temps, d'avoir pu panser nos blessures, ébaucher et presque terminer, depuis 15 mois surtout, un travail que le maintien de l'ordre public nous permettra d'achever.

C'est à la conservation de cet ordre public, de l'ordre social que j'ai sauvé en 1868, 1869, que je vise et que je viserai constamment ; c'est par lui que nous obtiendrons les résultats désirés et prouverons au monde nos aptitudes à la civilisation selon nos qualités naturelles, notre climat, notre esprit d'ordre, de discipline et par conséquent de progrès. Dans ce but, dès mon avènement au pouvoir, je me mis à l'œuvre avec l'assistance des Représentants de la nation et des membres de mon Gouvernement : une Constitution nouvelle fut votée !* libérale, capable de satisfaire toutes les aspirations et parfaitement en harmonie, en fait de base gouvernementale, avec les mœurs et les habitudes du peuple Haïtien, dans son ensemble essentiellement conservateur et plein du respect de ses traditions à

* August 6, 1874. Vol. LXV. Page 1260.

l'égard de ses gouvernants ; des lois furent élaborées, votées et promulguées, que rendaient indispensables le texte et l'esprit de notre nouveau pacte.

De grandes mesures financières, relatives à la création d'une banque et à la négociation d'un emprunt en partie réalisé, en vue de faire renaître notre crédit et notre prospérité, furent prises et sanctionnées par les mandataires du peuple, mesures qui ne tarderont pas à produire leurs salutaires effets.

Nos engagements envers l'étranger, nous les avons remplis, principalement à l'égard de la France, avec laquelle nous sommes entièrement à jour en ce qui concerne notre double dette. Nos relations avec les Puissances amies ont été étroitement resserrées et la tranquillité a été maintenue sur tous les points de la République, qui, aujourd'hui, vit dans les meilleurs rapports avec la République Dominicaine, sa voisine. Ces bonnes relations avec celle-ci ont été confirmées par l'entrevue de Cabeza Cachon.

Voilà des faits qui parlent en faveur de la sollicitude et du soin que j'ai portés à mon pays.

Cependant, malgré tous ces efforts constatés, malgré toute ma bonne volonté qui demeure éclatante au milieu de ce qui a été entrepris par mon Gouvernement et par moi depuis mon avènement au pouvoir, nos ennemis, qui paraissaient s'être résignés après l'heureuse issue des événements de Mai et de Juin, 1874, et que l'on pouvait croire disposés à se consoler de leurs mécomptes en présence de la grande nécessité de la paix que devait sauvegarder mon élévation seule à la Présidence de la République, comme le reconnaissaient tous les bons citoyens, amis de l'ordre et du travail, nos ennemis, dis-je, qui sont ceux de l'ordre public, exploitant les difficultés laissées au pays par les administrations passées, reprirent leurs combinaisons et employèrent, à l'endroit du pouvoir, leurs mêmes moyens qui consistaient dans le mensonge, la calomnie et toutes les menées sourdes et odieuses que suggèrent le parti pris et la haine. Je fus péniblement impressionné de l'attitude prise à l'égard de mon Gouvernement par ces mêmes hommes qui auraient dû taire leurs ressentiments, être heureux de la tranquillité dont ils jouissaient et, oubliant le passé, comme je l'avais moi-même oublié, prêter à l'autorité le concours loyal de leur patriotisme, comme l'on avait droit de s'y attendre, car plusieurs d'entre eux avaient rendu des services à la patrie dans le cours des tourmentes révolutionnaires. Je ne voulais pas regretter d'avoir usé de trop de ménagements à l'égard d'individus qui nourrissaient cependant une arrière-pensée funeste, et entretenaient un antagonisme qui entravait la marche de l'État.

Personne n'ignore combien je m'étais montré calme après mon élévation à la charge que j'occupe, et tout le monde avait vu que je

n'avais fait valoir contre mes adversaires, dans un but qu'aurait dicté l'esprit de vengeance, ni l'opinion émise publiquement contre moi, ni les projets, ni les menées en vue de me barrer la route en 1874 et antérieurement. Comment d'ailleurs aurais-je pu témoigner à personne, voire même un mécontentement, lorsque chacun des citoyens vertueux ayant rendu des services éminents à la patrie avait le droit de prétendre à la place de chef de l'État, sauf le choix de la nation par ses mandataires ? C'était moi qu'elle désignait ; ce fut moi qu'elle élut.

Devenu Président au milieu de la tranquillité la plus parfaite, j'avais oublié tout ce que la lutte non-armée des partis avait laissé chez les uns et les autres, de sympathie ou d'antipathie. Je ne prétendais exercer envers personne aucune injustice, et mon idée était de diriger le pays dans la voie de la réorganisation, et c'est toujours mon intention invariable.

Je désirais que la conciliation fît naître chez tous mes concitoyens l'amour de l'union et de la concorde qui, seules, peuvent rendre efficaces les réformes réclamées pour le pays et déjà en partie entreprises et en voie de réalisation.

Or, cette reconstitution, on ne pouvait l'obtenir, je vous le répète, qu'à l'ombre de la paix.

J'avais fait tout ce que me commandait ma conscience pour l'apaisement des passions, des dépits, et aujourd'hui, en ce moment où je m'adresse à vous, je n'ai en vue que l'établissement, sur les bases les plus solides, de cette tranquillité indispensable à la bonne marche de l'État, de l'agriculture, et du commerce.

Il fut donc fâcheux que les tendances manifestées d'un certain nombre d'hommes, inquiétantes pour la paix publique, qu'il importait de bien surveiller, vinssent distraire le Gouvernement de son travail tout d'intérêt général. L'opposition factieuse n'existait d'abord que timidement, les moyens employés étaient ceux que je viens de vous signaler plus haut, et l'autorité paraissait avoir prise difficilement sur un ennemi qui croyait pouvoir lui échapper en agissant dans l'ombre.

Telle fut la position adoptée à l'égard de mon Gouvernement par des individus qui étaient virtuellement les ennemis de l'ordre public. Mais on ne s'arrêta pas là ; un s'enhardit peu à peu ; l'opposition systématique, malveillante et ambitieuse ne tarda pas à prendre le caractère qui devait en conduire les chefs infailliblement à leur ruine.

On finit par user d'audace, on entra dans la voie du complot, où, une fois engagé, on n'eut d'issue qu'en recourant à la vraie conspiration et aux projets de prises d'armes.

Mon Gouvernement alors n'attendit point l'explosion fatale où devaient aboutir ces horribles et dangereuses menées ; il agit : des mandats de comparution furent décernés et les conspirateurs, résis-

tant à main armée à la loi, furent châtiés. Le Gouvernement n'avait pu rester qu'un certain temps dans l'attente.

Ce fut avec douleur que j'avais constaté que ma modération, loin de produire la fusion et l'oubli, avait fait naître l'occasion de redonner cours aux sentiments d'opposition haineuse que la crainte, un moment, avait assoupis.

Messieurs, les dispositions de mon Gouvernement ont été jusqu'à présent loyales et bonnes et elles continuent à l'être.

Qu'on ne se méprenne point sur une manière de faire dictée par une pensée propre, pensée de respect en ce qui concerne la liberté individuelle quand elle se conforme à la Constitution et aux lois !

Que les ennemis de l'ordre public n'oublient pas que la nation m'a confié toutes ses garanties ! S'il était obligé de les défendre contre d'autres attaques, le Gouvernement irait loin dans les mesures de répression, pour la conservation de la tranquillité générale. Notre volonté est de maintenir la paix et de combattre énergiquement toutes les passions anarchiques qui se manifesteront. Mais, Messieurs, le Gouvernement, nous en avons l'espoir, n'aura pas à exercer de nouvelles rigueurs ; nous en avons la garantie dans le progrès indéniable qui s'est révélé, au sein de la nation, par la réunion prompte, rapide, de l'Assemblée Nationale Constituante en 1874, en des circonstances des plus difficiles, dans le bon sens du peuple qui n'a en vue que le salut de l'ordre social, et dans celui de l'élite de la nation, qui, l'année dernière, à la première manifestation de désorganisation, n'a formé qu'un seul et solide faisceau contre les factions. Oui, Messieurs, je le répète, c'est un progrès ; le patriotisme a été bien compris ; il a marché à son but sans s'en laisser détourner par le miroitement de vaines utopies.

Je compte sur le concours du Corps Législatif et des bons citoyens pour tout ce qui pourra produire le bonheur de la nation !

Et je déclare ouverte la première Session de la 15ème Législature.

J'aurai, Messieurs, l'honneur de vous présenter, par l'organe des Secrétaires d'État, la situation générale de la République tant à l'intérieur qu'à l'extérieur.

Vive la Représentation Nationale !

[MICHEL DOMINGUE.]

DISCOURS du Roi des Pays-Bas, à l'Ouverture des États-Généraux.—La Haye, le 20 Septembre, 1875.

(Traduction.)

MESSIEURS,

Je me retrouve avec satisfaction au milieu de vous pour vous

convier, comme Représentants du peuple Néerlandais, à reprendre vos travaux.

Mon entente avec les Puissances étrangères continue à être très amicale.

L'agriculteur a droit de se réjouir des produits de la récolte ; l'état sanitaire est en général très favorable.

Dans une grande partie du monde civilisé le commerce et l'industrie languissent plus ou moins ; le large rendement des revenus ordinaires de l'État indique que les Pays-Bas souffrent relativement peu.

Je suis satisfait de la manière dont la flotte et l'armée s'acquittent de leur devoir ; les deux parties de nos forces aux Indes se montrent tout-à-fait à la hauteur de la tâche qui leur est imposée.

Le bien que nous observons avec reconnaissance ne peut cependant nous faire perdre de vue le besoin urgent d'améliorations pour lesquelles votre co-opération est nécessaire.

Au régime monétaire provisoire doit succéder un régime définitif ; une modification vous sera proposée de l'impôt sur les sucres, en rapport avec une nouvelle convention, ainsi que d'autres impôts, parmi lesquels le tarif des droits d'entrée.

La révision de nos codes sera continuée lorsque les projets qui vous ont été présentés, concernant l'organisation judiciaire, auront reçu votre approbation.

Je prends vivement à cœur le développement des moyens de communication. Je suis convaincu de l'intérêt avec lequel vous délibérerez sur mes propositions concernant la construction et l'exploitation de nouveaux chemins de fer.

D'autres travaux publics ne doivent pas être perdus de vue ; le moment est venu de mettre la main à l'œuvre pour établir un Musée d'État dans la capitale.

Les règlements existants ne suffisent plus aux exigences de l'enseignement supérieur ; le régime d'enseignement militaire demande à être modifié ; chacune des autres branches de cet intérêt national réclame mes soins assidus.

Des crédits vous seront demandés pour continuer énergiquement les travaux du système des fortifications ; il faut pourvoir simultanément aux besoins des forces militaires vivantes, en premier lieu par l'amélioration des lois sur la milice nationale et la garde communale.

Des mesures sont préparées pour améliorer l'armée des Indes et le sort de ceux qui en font partie.

L'état des possessions aux Indes Orientales est en général favorable ; je consacre toutefois mon attention à fortifier le pouvoir et à développer la prospérité dans ces possessions ; la protection de l'indigène est une tâche qui incombe à l'administration, aussi dans

les dépendances où l'autorité Néerlandaise n'a pu encore éliminer les anciens abus.

Quoique la guerre dans l'Atchin n'ait pas encore conduit à un résultat satisfaisant, j'ai confiance que les efforts énergiques qui s'y font, atteindront bientôt ce but.

La situation financière de Surinam n'est pas en progrès ; l'agriculture de cette colonie a besoin d'être soutenue.

Le commerce de Curaçao se ressent des difficultés nées des troubles réitérés dans la République de Vénézuëla ; je me flatte de la réussite des négociations pour écarter ces difficultés.

Je compte sur votre co-opération empressée dans toutes les mesures qui peuvent favoriser les intérêts du pays.

Puisse la bénédiction Divine donner à vos travaux son soutien indispensable !

Je déclare ouverte la Session des États-Généraux.

DISCOURS du Prince Henri des Pays-Bas, Lieutenant-Représentant de Sa Majesté le Roi Grand-Duc dans le Grand-Duché de Luxembourg, à l'Ouverture des Chambres.— Luxembourg, le 9 Novembre, 1875.

(Traduction.)

MESSIEURS,

C'EST avec une profonde satisfaction que je me retrouve en ce jour au milieu de vous pour ouvrir, au nom de Sa Majesté le Roi Grand-Duc, votre session ordinaire de 1875.

Je me fais un devoir de constater ici que les sentiments de sincère attachement des populations Luxembourgeoises à la Maison d'Orange et aux institutions qui les régissent, viennent de se manifester de nouveau d'une manière éclatante.

Les journées des 5, 6 et 7 Octobre ont fourni à vos loyales populations l'occasion d'affirmer, une fois de plus, leurs sentiments de profond attachement envers leur Souverain. C'est qu'en effet les Luxembourgeois savent que c'est à la généreuse protection de Sa Majesté qu'ils doivent l'indépendance et la neutralité, à l'abri desquelles il leur est permis de travailler, paisiblement et avec toutes les forces de leur intelligence, au développement de la richesse nationale et à la prospérité croissante de leur pays, si largement doué par la Providence.

Ces mêmes journées ont encore permis à nos puissants voisins de témoigner publiquement de leur haute estime pour la Maison d'Orange, en même temps que de leurs sentiments d'amitié pour le Grand-Duché.

J'éprouve une satisfaction toute particulière à pouvoir mentionner que si les difficultés qui, dans ces derniers temps, ont entravé le développement du progrès agricole dans ce pays, n'ont pas entièrement disparu, la situation des cultivateurs s'est pourtant sensiblement améliorée.

L'exposition agricole et horticole qui a eu lieu récemment dans la capitale a fourni la preuve manifeste des efforts énergiques faits par tous vos agriculteurs pour se mettre en mesure de lutter avec avantage et de supporter les charges que leur impose la transformation agricole, généralement reconnue nécessaire.

La crise qui affecte les principales industries des pays qui nous environnent pèse encore, quoique à un degré moindre, sur le Grand-Duché. La métallurgie surtout est en souffrance ; néanmoins je nourris l'espoir que, grâce à la situation naturellement favorable du pays, le moment n'est pas éloigné où nous verrons cette importante industrie reprendre la voie de progrès et de développement dans laquelle elle était si résolument entrée.

Si l'année qui vient de s'écouler a vu d'assez sérieux obstacles menacer l'avenir d'entreprises importantes dans notre pays, je m'estime heureux de pouvoir vous dire que parmi ces obstacles les uns ont été déjà écartés, tandis que pour d'autres des arrangements récemment conclus ou en voie de négociation permettent de faire espérer un résultat prochain et favorable.

L'instruction publique, largement distribuée, est certes un des éléments de progrès et de civilisation les plus efficaces ; aussi le Gouvernement ne manquera-t-il jamais de vouer à cet objet toute sa sollicitude.

La situation financière du pays se présente sous un aspect favorable et vous permettra, je l'espère, de continuer à allouer d'importants crédits, notamment en faveur de l'extension du réseau de communications vicinales, de l'amélioration de la position du personnel enseignant des écoles primaires, et de l'agriculture.

J'ai la satisfaction de pouvoir affirmer que dans toutes les circonstances le Gouvernement de Sa Majesté le Roi Grand-Duc rencontre une bienveillance constante de la part des Puissances étrangères et voisines, avec lesquelles, surtout depuis l'année 1867, les relations du Grand-Duché sont devenues plus fréquentes.

Messieurs,—Plusieurs projets de loi importants sont encore soumis à vos délibérations ; le Gouvernement vous en soumettra d'autres qui touchent à des intérêts majeurs.

Votre session sera donc laborieuse, et vous la rendrez fructueuse pour le pays par le zèle et le dévouement que vous apporterez à l'accomplissement de votre tâche. Vous contribuerez ainsi à faire prospérer de plus en plus votre patrie.

Puisse la Divine Providence éclairer vos délibérations !

Au nom de Sa Majesté le Roi Grand-Duc je déclare ouverte votre session ordinaire.

ADDITIONAL ARTICLE to the Treaty of Friendship, Commerce, and Navigation between Belgium and Chile, of August 31, 1858. (Trade Marks.)—Signed at Santiago, June 5, 1875.†*

[Ratifications exchanged at Santiago, September 10, 1877.]

SA Majesté le Roi des Belges et Son Excellence le Président de la République du Chili, ayant jugé utile d'arrêter un Article Additionnel au Traité d'Amitié, de Commerce et de Navigation conclu entre la Belgique et le Chili le 31 Août, 1858, ont, à cet effet, nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi des Belges, M. Edouard Sève, son Consul-Général au Chili ; et,

Son Excellence le Président de la République du Chili, M. José Alfonso, son Ministre des Affaires Étrangères ;

Lesquels, après s'être communiqué leurs pleins pouvoirs et les avoir trouvés en bonne et due forme, ont arrêté et signé ce qui suit :—

Article Additionnel.

Les Hautes Parties Contractantes, désirant assurer une protection complète et efficace à l'industrie manufacturière des citoyens des deux États, sont convenues que toute reproduction dans l'un des deux pays des marques de fabrique apposées dans l'autre sur certaines marchandises, pour constater leur origine et leur qualité, sera sévèrement interdite et pourra donner lieu à une action en dommages-intérêts valablement exercée par la partie lésée devant les tribunaux du pays où la contrefaçon aura été constatée.

Les marques de fabrique, dont les citoyens de l'un des deux pays voudraient s'assurer la propriété exclusive dans l'autre, devront être déposées, savoir : les marques appartenant à des citoyens Belges, à Santiago, au Secrétariat de la Société Nationale d'Agriculture, et les marques appartenant à des citoyens Chiliens, à Bruxelles, au greffe du Tribunal de Commerce.

Il est entendu que si une marque de fabrique appartient au domaine public dans le pays d'origine, elle ne pourra être l'objet d'une jouissance exclusive dans l'autre pays.

* Vol. XLIX. Page 509.

† Signed also in the Spanish language.

Cet Article Additionnel aura la même durée que le Traité du 31 Août, 1858, auquel il sert de complément.

Les ratifications en seront échangées dans le plus bref délai possible.

En foi de quoi les Plénipotentiaires respectifs l'ont signé et y ont apposé leurs cachets.

Fait en double à Santiago, le 5 Juin, 1875.

(L.S.) EDOUARD SÈVE.

(L.S.) JOSÉ ALFONSO.

CONVENTION between Great Britain, Belgium, France, and the Netherlands, respecting Duties on Sugar and Sugar-Refining.—Signed at Brussels, August 11, 1875.†*

SA Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Sa Majesté le Roi des Belges, le Président de la République Française, et Sa Majesté le Roi des Pays-Bas, ayant fait soumettre à un nouvel examen les questions relatives à la législation internationale des Sucres, et ayant reconnu l'utilité de modifier la Convention du 8 Novembre, 1864,‡ ont résolu de conclure un Traité dans ce but et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté la Reine du Royaume Uni de la Grande Bretagne et d'Irlande, Mr. John Savile Lumley, Compagnon de l'Ordre du Bain, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

Sa Majesté le Roi des Belges, M. Malou, Commandeur de l'Ordre de Léopold, Grand Cordon des Ordres de la Légion d'Honneur et du Lion Néerlandais, &c., Ministre d'État, son Ministre des Finances ;

Le Président de la République Française, M. le Baron Baude, Officier de l'Ordre de la Légion d'Honneur, Grand Cordon de l'Ordre de Léopold, &c., Envoyé Extraordinaire et Ministre Plénipotentiaire de la République Française près Sa Majesté le Roi des Belges ; et,

Sa Majesté le Roi des Pays-Bas, M. le Baron Gericke de Herwynen, Commandeur de l'Ordre du Lion Néerlandais, Chevalier de première classe de l'Ordre du Lion d'Or de la Maison de Nassau, Grand Cordon de l'Ordre de Léopold, &c., son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges ;

* Not ratified.

† Laid before Parliament in 1875, with Correspondence respecting the Sugar Convention of 1864 and the Conferences held at Brussels in May, 1875.

‡ Vol. LIV. Page 29.

Lesquels, après s'être communiqué leurs pleins-pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des Articles suivants :—

ART. I. En France et dans les Pays-Bas les fabriques de sucre de betterave et les raffineries seront soumises à l'exercice. Dans les fabriques de sucre l'exercice aura lieu suivant l'un ou l'autre des règlements aujourd'hui en vigueur dans les deux pays. Il sera appliqué dans ces fabriques, en ce qui concerne les Pays-Bas, à dater du 1^{er} Septembre, 1876. Dans les raffineries, l'exercice reposera sur la surveillance générale de toutes les opérations, et sur un des modes de contrôle suivants :—

(A.) Il sera tenu deux comptes, le premier chargé des sucres bruts introduits dans l'usine et déchargé des sucres fondus, d'après les déclarations du raffineur ; le second chargé des raffinés suivant les déclarations faites par le raffineur, depuis l'empli des formes ou le turbinage, jusqu'à l'entrée en magasin et déchargé des produits expédiés de l'usine. Ces deux comptes seront contrôlés par l'inventaire du magasin.

(B.) Il sera établi un compte général du raffinage chargé à l'entrée des sucres bruts d'après leur richesse absolue et déchargé à la sortie de la quantité et de la richesse absolue des produits expédiés de l'usine. Il sera tenu, en outre, d'après les déclarations faites par le raffineur, tant à l'entrée qu'à la sortie du magasin, un compte du sucre raffiné. Ces comptes seront contrôlés, le premier par un inventaire général de la raffinerie, le second par un inventaire du magasin.

II. Dans le cas où des taxes seraient rétablies sur les sucres en Angleterre, l'exercice sera appliqué dans ce pays aux fabriques et aux raffineries d'après un mode qui devra faire l'objet d'un accord entre les Hautes Parties Contractantes.

III. En Belgique, les règles établies par la Convention du 8 Novembre, 1864, avec les modifications qui y ont été apportées à la suite des expériences de raffinage faites à Cologne, continueront d'être appliquées sous les conditions ci-après indiquées :—

Création d'une classe supérieure de sucre brut (y compris les poudres blanches), au rendement de 98 pour cent ;

Relèvement du rendement de la 3^{ème} classe à 81 pour cent et du rendement de la 4^{ème} classe à 72 pour cent ;

Admission à l'exportation avec drawback des sucres mélis sciés en morceaux de forme rectangulaire ;

Fixation des drawbacks pour les sucres bruts de betterave d'après des types équivalent aux Nos. 20, 17, 12, et 8 de la série Hollandaise, auxquels ne pourront être inférieurs les sucres de la nouvelle classe (rendement 98 pour cent), et des 3 classes suivantes ;

Elévation à 1,550 grammes du minimum de la prise en charge

dans les fabriques de sucres abonnées, à partir de la campagne 1876-77, et à 1,600 grammes à partir de la campagne suivante ;

Réduction de l'impôt de 45 fr. sur les sucres dans les proportions suivantes :—

1. De 15 fr. à partir du 1^{er} Mars, 1876 ;

2. De 7.50 fr. à partir du 1^{er} Janvier, 1877, de telle sorte que la taxe définitivement fixée ne dépasse pas 22.50 fr. par 100 kilog. de sucre brut de la 2^{ème} classe ;

Engagement, si l'utilité en est démontrée à la Belgique par des faits de coloration frauduleuse ou autres qu'elle aura constatés, de contrôler ou de remplacer les types de nuances par la saccharimétrie pour la vérification des sucres à l'importation et à l'exportation ;

Suppression des Articles II, III, V, VI, IX, X (2^{ème} alinéa), XIII (1^{er} et 2^{ème} alinéas), et XIV de la Convention du 8 Novembre, 1864.

IV. Les sucres importés d'un des pays contractants dans un autre ne pourront être assujettis à des droits de Douane ou d'Accise supérieurs aux droits qui sont ou seraient établis sur les sucres similaires de production nationale. Les drawbacks établis à l'exportation des sucres des pays contractants ne pourront être que la représentation exacte des droits de Douane ou d'Accise grevant les dits produits.

V. Les Hautes Parties Contractantes se communiqueront réciproquement le texte des dispositions législatives et réglementaires qui sont ou seront en vigueur dans leurs pays respectifs sur les matières qui font l'objet de la présente Convention.

VI. L'exécution des engagements réciproques contenus dans la présente Convention est subordonnée en tant que de besoin à l'accomplissement des formalités et règles établies par les lois constitutionnelles de chacun des pays contractants.

VII. Les Hautes Parties Contractantes se réservent de se concerter sur les moyens d'obtenir l'adhésion des Gouvernements des autres pays aux dispositions de la présente Convention.

VIII. La durée de la présente Convention est fixée à 10 ans à partir du 1^{er} Mars de l'année 1876. Toutefois chacune des Hautes Parties Contractantes pourra, en la dénonçant 12 mois à l'avance, y mettre un terme à l'expiration de la 2^{ème}, de la 5^{ème} et de la 8^{ème} année.

IX. Les Hautes Parties Contractantes se réservent, en outre, la faculté d'introduire, d'un commun accord, dans cette Convention, toutes modifications qui ne seraient pas en opposition avec son esprit ou ses principes et dont l'utilité serait démontrée par l'expérience.

X. La présente Convention sera ratifiée, et les ratifications en seront échangées à Bruxelles dans le délai de 6 mois, ou plus tôt si faire se peut.

En foi de quoi, les Plénipotentiaires respectifs l'ont signée et y ont apposée leur cachet.

Fait en quadruple original, à Bruxelles, le 11 Août, 1875.

(L.S.) J. SAVILE LUMLEY.

(L.S.) J. MALOU.

(L.S.) BN. BAUDE.

(L.S.) L. GERICKE.

AGREEMENT between the Governors of the British and Dutch Settlements on the Gold Coast, for the Surrender of Criminals, Deserters, Debtors, and Runaway Slaves.—Cape Coast Castle,
St. George d'Elmina, August 28, 1862.

(English Agreement.)

LEAGUE between the English and Dutch Governments.

WHEREAS the league and friendship existing between the Dutch and English Governments on the Gold Coast in Western Africa should be promoted as much as possible :

Whereas every obstacle to the continuance of that league and friendship would be detrimental to public and private interests, and ought by all proper means to be removed : And whereas the harbouring or keeping of malefactors wittingly in the territory under the protection of either flag causes unnecessary trouble and perplexity to the administration of the law, opens the door to crime, and places in peril the good feeling and amity which should distinguish both Governments : Now, therefore, I, having maturely and diligently considered these matters, have agreed on the following Articles :—

ART. I. That thieves, murderers, deserters, and all criminals shall be given up to the authorities within whose limits the offence has been committed.

II. That debtors shall be given up to the authorities within whose jurisdiction the Decree has been granted, even if they are English or Dutch subjects.

III. That criminal slaves or pawns who have run away shall be given up ; that slaves or pawns who have run away and who are not the persons who contracted the debt, but who have been pawned by the actual debtors, shall not be given up, but that slaves or pawns who should have actually contracted the debt shall be given up.

IV. That the above Articles shall only be applied to the natives.

V. That either of the Contracting Parties, after having given

one month's notice of his intention, shall be allowed to break this agreement.

In witness whereof, I, the Undersigned, Acting Governor of Her Britannic Majesty's forts and settlements on the Gold Coast, have, in my own name, signed the present Agreement, and set thereto the seal of my coat-of-arms; and his Excellency the Governor of His Netherlands Majesty's Possessions has subscribed another instrument of the same tenor as this.

Done at Cape Coast Castle, the 28th day of August, 1862.

(L.S.) W. A. ROSS, *Acting Governor.*

(Dutch Agreement.)

LEAGUE between the Dutch and English Governments.

WHEREAS the league and friendship existing between the English and Dutch Governments on the Gold Coast in Western Africa should be promoted as much as possible :

Whereas every obstacle to the continuance of that league and friendship would be detrimental to public and private interests, and ought by all proper means to be removed :

And whereas the harbouring or keeping of malefactors wittingly in the territory under the protection of either flag causes unnecessary trouble and perplexity to the administration of the law, opens the door to crime, and places in peril the good feeling and amity which should distinguish both Governments :

Now, therefore, I, having maturely and diligently considered these matters, have agreed in the following Articles:—

ART. I. That thieves, murderers, deserters, and all criminals shall be given up to the authorities within whose limits the offence has been committed.

II. That debtors shall be given up to the authorities within whose jurisdiction the Decree has been granted, even if they are English or Dutch subjects.

III. That criminal slaves or pawns who have run away shall be given up; that slaves or pawns who have run away, and who are not the persons who contracted the debt, but who have been pawned by the actual debtors, shall not be given up, but that slaves or pawns who should have actually contracted the debt shall be given up.

IV. That the above Articles shall only be applied to the natives.

V. That either of the Contracting Parties, after having given one month's notice of his intention, shall be allowed to break his agreement.

In witness whereof, I, the Undersigned, Lieutenant-Colonel,

Governor, and Commander-in-chief of His Netherlands Majesty's Possessions on the Gold Coast, have, in my own name, signed the present Agreement, and set thereto the seal of my coat-of-arms; and his Excellency the Acting Governor of Her Britannic Majesty's forts and settlements on the Gold Coast has subscribed another instrument of the same tenor as this.

Done at St. George d'Elmina, the 28th day of August, 1862.

(L.S.) C. J. M. NAGTGLAS, *Governor*.

MESSAGE of the President of the Argentine Republic, on the Opening of Congress.—Buenos Ayres, May 8, 1875.

(Translation.)

MESSRS. SENATORS AND DEPUTIES,

The Republic enjoys tranquillity, and expects you to dictate those laws which will give stability to its institutions and promote its progress. The rebellion was but a passing fever engendered by the long and convulsive electoral struggle. The people and faithful soldiers rose and crushed it, showing that the oligarchy of a minority may raise a mutinous army, but must succumb to the reason and strength of the nation. When you closed last year's session, 6 months ago, the insurrections had broken out, and threatened to imperil the welfare and institution of the Republic. To-day you resume your benches as peacefully as ever, to study the development of the country, which is the great task of the new Administration which you installed in October in the midst of many dangers. These dangers have been overcome, and peace is now triumphant.

The Rebellion.

The Province of Buenos Ayres was the focus of revolt, and here we organized 3 corps d'armée. After the victory of La Verde the heroic division of Colonel Arias received the submission of the rebels at Junin; the armies of the south and west were also converging thither, but even had the rebels escaped our pursuing forces they must have succumbed to the reserve army, 6,000 strong, on the Arroyo del Medio.

Arredondo's rebel forces still held their ground in the Cuyo Provinces, making forced levies after the defeat of Colonel Catalan, who perished, with 400 of his men, in trying to prevent the rebels from entering Mendoza. Meantime General Roca was preparing the Army of the North, and in 20 days started from San Luis by forced marches to overtake Arredondo's army, which he cut to pieces at Santa Rosa.

The marine rebels under Erasmo Obligado had made away with a gun-boat, to which the Revolutionary Committee at Monte Video added an armed steamer; while our only war-vessels were the *Uruguay* and *Pavon*, which ran foul of each other in trying to leave port. Pending the arrival of the new iron-clads from England we fitted up the other old steamers, now in commission as coast-guard vessels. At last the rebels abandoned their vessels; Obligado sending back the gun-boat with a note to the Government.

A movement in Corrientes was opportunely checked by a division of 800 men we sent up from Rosario under Colonel Obligado.

All these operations followed each other so quickly that in 10 weeks from the day I had assumed power the war was over, peace firmly established, and after passing in review the largest army ever raised in these countries I dismissed 60,000 soldiers to their homes, whose efforts had been crowned with victory.

Soldiers and chiefs, people and Governors had all done their duty. Impartial reports tell us that Europe and America applauded the new spectacle of a South American Republic crushing anarchy and vindicating its Government as the only means of peace and progress. Hence our Bonds were quoted on the London Stock Exchange in January and February at the maximum figure of 95.

Since the pacification order everywhere prevails, the Government resting on the incontrovertible basis of the popular will, except a few hundred individuals who set themselves against the vote of the nation and the authority of Congress, and who seem to reject the benefits of a mild administration by converting their own disappointed views into public grievances.

You, who now come from all points of the Republic, know that there are 2,000,000 of Argentines secure of the present and confident of the future; and in order to convince natives and foreigners of this fact before the opening of this session I repaired in person a few days since to Entre Rios, which was recently so convulsed, and without a single attendant soldier traversed the extreme eastern frontiers without meeting any but towns and citizens animated with loyalty to the Government and a desire to carry out works of progress such as your Honourable Chambers will sanction from time to time.

Home Affairs.

During the rebellion we had to proclaim state of siege and martial law, while the elements of war were collected with an activity and spontaneity never before witnessed. Only in two or three cases had we to use the extraordinary faculties of the occasion, as we saw no necessity for arrests or personal severities when everything was to be decided in the field. At the termination of the war

we followed the same course, and the press of foreign nations unanimously remarks that never before was a revolution in Spanish America put down with less severity to the vanquished.

The terms of the Junin capitulation have been faithfully carried out. In a fortnight we sent 4,000 rebel soldiers to their homes, even at the risk of disorder in the rural departments. Even the refugees at Monte Video, who formed the rebel committee for the supply of arms, &c., received permits to return quietly to Buenos Ayres. Hundreds of *civilians* who had actively espoused the rebellion, and public writers of sedition who had even taken up arms, now walk about our streets; nor is there one actually detained in our city prisons.

The only exceptions were those officers of high rank who are about to be tried by a Council-of-war, since it is necessary to uphold army discipline and prevent military commanders from turning to factious ends the arms confided to them by the nation. Hence the sentence, whatever it be, will at least condemn the inflammatory proclamations spread through the Campaña to subvert law and Congress.

The results will enable us to judge how far we may consider the rebellion as an episode foreign to our social and political system; but the Government has learned by painful experience that if we altogether abandon the means of repression we expose public order to those convulsions which blindness or weakness may favour, when social interests call for vigorous protection.

The question of amnesty is of extreme gravity. When the rebels found themselves weak they endeavoured to enlist partisans of former rebellions; and then I was urged to declare an amnesty in Entre Rios, to prevent any movement in that province. But I firmly refused, because amnesties should be the magnanimous acts of a strong Government, beyond danger of anarchy, and can only inspire confidence under such conditions.

Now, however, that all danger has passed away, I think Congress would do well to pass a general Amnesty Law (except for ordinary crimes or personal damages) to include all revolutions previous to that of last September, and even this latter may be included as soon as the implicated parties become convinced that, however party-spirit may prevail at home, we have but one name and honour before the world, which it is unlawful to assail, and that the Constitution can never be infringed.

Foreign Affairs.

The European and American Governments deplored the revolution which threatened to interrupt our progress, and hoped that law and order would triumph. Our relations continue friendly with all foreign Powers.

Meantime we have questions pending which, as I told you last

October, I should do my utmost to wind up amicably and without affecting the honour of any parties concerned. For this end I have sent Dr. Tejedor on special mission to Brazil, to arrange the questions arising out of the Triple Alliance, especially as regards our limits with Paraguay.

Relations are restored with Uruguay, and a Chargé d'Affaires appointed at Monte Video. This will obviate the constant difficulties occurring before about sanitary regulations.

A Minister has been sent to London for the new Legation created by the Budget.

Two Postal Conventions are being arranged with Spain and Germany, through the respective Ministers. We have a no less friendly response from the Italian Legation to the same purpose. These will be the first Postal Treaties between this country and European Powers; they have been much called for, and will have the effect of reducing the postage, which is at present so high as to create an obstacle to our trans-Atlantic relations.

Interior.

On the conclusion of the war we had to disband and pay off 60,000 men, which occupied all our attention for some time.

The Governors of San Luis and San Juan having left the country on the triumph of the Federal arms, the local Chambers filled their places without any interference on our part.

In Santiago a similar change of Government has been hailed as a new epoch for that people; hundreds of Santiagueños who were scattered over the other provinces have now returned to their homes.

The Sectional Judge had requested the aid of the Federal troops to carry out his decrees, whereupon Colonel Olascoaga was sent thither to be at his orders.

The new system of Camp-Judges and Tribunals in Buenos Ayres promises well: the previous centralization deprived outlying districts of law and order. Let me remind you that the Bill for establishing Trial by Jury all over the Republic awaits your consideration.

Finances.

Short wars are always the cheapest, and this has been again proved in the late revolution. The first revolt in Entre Rios cost 7,500,000 dollars, the second 4,600,000 dollars. Yet up to the present all payments incurred by the September revolution only amount to 3,900,000 dollars. This includes the pay of 60,000 militia, who were all paid off before discharge, an event unprecedented in these countries.

We have paid the war expenses and met the ordinary expenditure of the Budget, in spite of a decline in revenue; we have also

paid 4,500,000 dollars of arrears to the War Office between the 1st January, 1874, and the 30th April, 1875. We have also paid for the arms and ships bought in Europe, and for which no funds had been set apart. All this has been done without injury to our credit, or even having to negotiate the balance of the loan in London. The Finance Minister, even at the darkest moment, paid no higher for money than the National Bank rate.

The Public Works of the 1871 loan proceed without interruption, and are defrayed out of the loan.

The expenditure during 1874 amounted to 29,784,000 dollars, which, notwithstanding the war, is 1,282,000 dollars less than the previous year; a proof of the wise economy of the last and the present Administrations. The Budget for 1874 had put down the ordinary expenditure at 23,383,000 dollars; but we expended much less, and find now a surplus of 3,702,000 dollars. The special Laws authorized an extraordinary expenditure of 25,000,000, and of this sum we only spent 8,929,000 dollars.

The receipts in 1874 were 16,526,887 dollars, showing a deficit of 3,905,000 dollars as compared with the Estimates in the Budget, and a decline of 3,633,000 dollars from the revenue of 1873.

Our revenue arises from the Custom-house import and export duties, the two years standing thus :—

| | 1873. | 1874. |
|---------------------|------------|------------|
| | dols. | dols. |
| Import duties | 16,516,000 | 12,504,000 |
| Export duties | 2,488,000 | 2,299,000 |

Import duties show a decline of 4,012,000 dollars, but exports only 189,000 dollars, which latter was caused by the drought and political events.

If we compare the trade returns we find the value of imported goods fell away 21,688,000 dollars, while our exports only diminished 2,857,000 dollars. Hence the deficit clearly arises from a decline of import trade, and not from the quantity or value of our exports, which represent the industry and productive power of the nation.

Economists value a country by its products, and as long as our productive power continues the same we shall be able at any time to recover from the transitory effects of a disturbed trade or decline in the consumption of imported merchandize. Thus the crisis which at present affects our great emporium, Buenos Ayres, is of an accidental nature, and will pass away as peace takes root in the interior; the increase of our products will speedily bring things back to their normal condition.

The National and Provincial loans in London flooded our market

with gold. The banks offered cheap money, and the public was tempted by seductive as well as unprecedented facilities for credit. The country was not prepared for such abundance; such enormous capital could not find immediate employment, and speculators then began to pour out wealth on sterile land sites, giving the same artificial value by passing them from one to another; while the merchants saw their warehouses crowded with an accumulation of imported goods far beyond our requirements. When the time came to pay up a crisis ensued, but its effects are already diminishing with a reduction in public and private expenditure.

The trade of the other cities continues as prosperous as before. The Rosario Custom-house shows for the first quarter of 1875 an increase of 105,000 dollars over the corresponding quarter of last year. Corrientes has doubled in the year, and the minor ports of the province of Buenos Ayres are equally satisfactory.

Post Office and Telegraph receipts increased notably in 1874, the former showing a still greater advance in 1875, as also stamped paper.

The Finance Minister jealously guards our credit in Europe. The money is already in London for payment of the July coupons of the 1824 and 1868 loans, besides a considerable sum remitted for the coupons due next September on the Public Works loan of 1871.

Immigration.

The tide of European emigration declined last year not only to the Argentine Republic but even more to the United States and Australia. The returns show—

| | 1873. | | 1874. |
|---------------------|---------|------|---------|
| United States | 268,288 | .... | 149,762 |

This is found to arise from the measures taken by European Governments to increase their armies, and from improved conditions in certain countries.

With us the immigration has been very irregular; in 1870 it reached 41,000, then fell to one-half. Its maximum was in 1873, when it showed 79,712 immigrants, while it fell last year to 68,277, being a decline of 11,435. The present year shows a further decline, owing to the political events and the crisis.

It is impossible to prevent the effects of war or crisis: when poverty prevails, people will run away as they are now doing from New York as well as from Buenos Ayres. But we can distribute immigration better through the country; we can offer land grants to industrious settlers, and open up a fresh stream of hardy Northern European immigrants by providing them with passages to Buenos Ayres at the same cost as they would pay to the United States. Public opinion urgently calls on Congress to adopt these measures. Meantime I have done all in my power, forwarding

immigrants to the Upper Provinces, organizing provincial committees, inciting the various Governors, sending agents in all directions, and placing 4,400 immigrants in the first quarter of 1875. This includes 25 sent up to the Bermejo, now opened to steamers, where thousands will soon follow. In my 6 days' trip through Entre Rios I visited the rising Colony of Villa Colon, the Custom-house of which showed 3,000 dollars for the first quarter of 1874, and 16,000 dollars for the same months of 1875. Let me add, as a proof of the success of our agricultural Colonies, that the colonists of Santa Fé obtained 2,000,000 hard dollars for their grain crop of 1874. As regards the Concordia Colony on the west frontier of Buenos Ayres, I sent assistance to the colonists, who had suffered greatly by the war and failure of crops.

Railways, Telegraphs, Mails.

The Committee of 3 Engineers has given its report on the Tucuman Railway. The first two sections are about to be opened for traffic from Cordoba, a length of 170 miles, thus bringing the northern Provinces within 5 days' journey of our ports.

A new section of 75 miles on the Rio Quinto line will be finished this year.

The Primer Entre Riano line at Gualeguay has been handed over to the Entre Rios Government.

Some days since I personally inaugurated the East Argentine Railway, which runs out 96 miles, from Concordia to Monte Caseros. Congress ought to prolong this line to Paso Los Libres, which would make Concordia the market of all the Upper Uruguay trade.

As you suppressed the Department of Engineers, the surveys for the proposed line from Concordia to Gualeguaychu (160 miles) were approved by the new Committee of Public Works.

No new telegraph lines have been constructed, but you will see what trouble we have had to repair existing lines during the war: 748 miles were repaired on the Entre Rios and Corrientes line, where the rebels had destroyed 27,000 lbs. of wire.

The receipts for telegrams increased 40 per cent. over 1873, and telegraphing has now become general with the inhabitants. We are laying two extra wires hence to Cordoba, and one extra from Rosario to Santa Fé.

There are still towns of 7,000 or 10,000 inhabitants in the Province of Buenos Ayres without telegraphs, and I have offered every assistance to the Governor to remedy such defect. Congress had better at once construct lines to the frontiers of this province, to connect the military outposts with the War Office. The Minister of War urges this in his report as all-important to guard against Indian invasions.

The Post Office Department was prompt to restore the western communications interrupted by the rebellion. Many improvements have also been introduced, increasing the number of mounted couriers, and abolishing the costly mail-cars by subsidizing mensagerias. The Post Office produced 174,000 dollars, an increase of 16,000 dollars over the previous year: during the current year we shall have 3 times this increase owing to the increased service and expenditure. The returns of letters, &c., are superior to all other South American countries except Brazil, and show for 1874 —

| | |
|------------------|-----------|
| Letters..... | 3,731,324 |
| Despatches | 230,143 |
| Newspapers..... | 1,956,864 |
| Total..... | 5,918,331 |

which were carried in the following mail-bags:—By steamers, 7,906 bags; sailing-vessels, 97 bags; railways, 14,000 bags; mail-cars, 4,972 bags; horsemen, 2,637 bags; mensagerias, 7,747 bags.

Each paper or letter cost for carriage two thirds of a cent., and produced $3\frac{1}{2}$ cents. The Post Office report suggests interesting reflections.

Administration.

President Sarmiento created ports at Ensenada, Zarate, and San Pedro which greatly facilitate commerce and increase the revenue. I have in like manner opened Bahia Blanca and Ajo for coasting and foreign trade; Ajo has already produced 40,000 dollars revenue in 3 months.

The new Custom-house at Rosario is now in use. A port will be at once constructed, and the Finance Minister is arranging with the Central Argentine Railway for a branch to the pier, which can be made at little cost and will be of immense service for the trade of 9 of our provinces. The new regulations and facilities for northern trade are found of great benefit.

The proprietors of the Catalinas wharf and stores have petitioned for permission to prolong their works.

The dredging of the Riachuelo was not interrupted during the war. Two dredges are working, and we have already removed 10,000 tons of mud from the river. The project will be submitted to you for canalizing the same, as proposed by the late Department of Engineers.

Surveys are being made for canalizing the Gualeguaychu, Victoria, Goya, and Esquina rivers; but there are many other bars in the Parana and Uruguay for which I propose to get out two dredges; and then we shall have the ports and channels free for commerce.

The Department of Agriculture is doing much good all over the

Republic. Last year it distributed 200,000 plants and 16,000 parcels of seed. An agent is appointed in each province to facilitate the work, and also to report on the soil and climate.

The park at Palermo for the city of Buenos Ayres progresses rapidly under the able direction of the late President of the Republic.

Public Instruction.

The census of schools has been retarded by the war, but we have to report renewed activity in Mendoza, Santa Fé, Entre Rios, and Buenos Ayres. In Mendoza city we find one-fifth of the inhabitants attending school, including night schools for adults. A normal school is about to be opened at Tucuman: that of Parana has doubled its pupils. The Government of Buenos Ayres has approved the plans for the girls' normal school, for which the National Treasury holds 40,000 dollars, as voted by Congress. The National College of Rosario was opened on March 1st. There are in the other 14 national colleges 4,000 pupils, and since January we have appointed 60 Professors for new courses of study. We have sent to Europe for physical apparatus, books, &c., and the number of these and of free libraries will greatly increase this year. The Cordoba Academy of Science has been re-opened; the new building is pushed forward.

Dr. Gould has presented two luminous reports on the Astronomical and Meteorological Departments. We shall shortly require funds to publish the *Uranometria Argentina* and climatic observations, forming voluminous works. Several scientific associations of the United States have sent us valuable donations of works, as an encouragement for our efforts; such friends deserve our public thanks.

The University of Buenos Ayres has remodelled its Faculty of Science: institutions of this kind raise our intellectual level, and give a lasting glory to the country.

Army and Navy.

The War Office has had a busy time, equipping armies and moving them about. When the rebellion was over it had to pay off the divisions and convey the men to their homes, as most of the forces of the north, reserves and Buenos Ayres divisions, were National Guards. Then the troops of the Line had to be sent to the frontiers, where the barracks and plantations had been destroyed, after costing much labour and money. All had to be recommenced.

The army was found short-handed, the rebellion having wiped out 4 regiments of cavalry and 2 battalions of foot; but as the ballot was judged unadvisable the War Minister ordered a general recruiting by voluntary enlistment. For this purpose the Republic has been divided into 8 sections, each under a high official.

The War Office report will soon be laid before you, with a new method for frontier protection and some Bills on army reform. We propose to suppress the Proveedurias, which have been making money out of the soldiers' rations.

The Artillery Depôt has undergone a total reform. Steam workshops are being got ready, which can turn out all kinds of arms and ammunition.

The fleet now consists of 2 iron-clads, 2 gun-boats, 1 torpedo-boat, 2 steam-transports, 8 war steamers, and some sailing vessels, besides 4 more gun-boats that Minister Garcia reports from England to be nearly finished.

The marine school is reorganized, and the Government is equipping a floating school for sailor-boys.

You have now before you, Honourable Gentlemen, an account of my administration during 6 months. Let me observe that I have received valuable co-operation from many private citizens, especially from those forming the Committees of Marine, Artillery, and Commissariat, besides the Director of Railways for the province of Buenos Ayres.

Messrs. Senators and Deputies! You represent a nation that is making great strides, and which only requires wise laws and prudent administration. The rebellion was but an accident, which showed that the Republic will not consent to anarchy or disorder. The commercial crisis, far from indicating decadence, is precisely such as the most flourishing nations at times experience: the causes in our case can easily be remedied, and will act as a lesson for the future. When people put capital into unproductive investments, or when the consumption of imports is excessive, you have only to increase labour and production, at the same time cutting down both public and private expenditure. The public is beginning to see this, and already a great reduction of imports shows general economy, without prejudice to our social condition.

I cannot see a cloud on any side of our horizon. Our home policy is one of clemency and reconstruction; and as regards the rest of America, it is peace.

You may, therefore, tranquilly resume your seats, but I specially recommend to you the construction of a port in Buenos Ayres, as we shall soon see our railway system connecting us with Chile, Bolivia, and Brazil, and bringing us their rich products; also the measurement of national lands, as a matter of social weight to thousands of men; and imploring the aid of Divine Providence to secure to us the blessings of peace and the Constitution, I declare the Congress session duly opened.

[NICOLAS AVELLANEDA.]

*CORRESPONDENCE between Great Britain and Russia respecting Central Asia. (Afghanistan, Khokand, Merv, Meimena, Akhal-Téké, &c. Declaration on part of Russia of intention not to extend her Frontiers on side of Bokhara, Krasnovodsk, or the Attrek.)—1875.**

The Earl of Derby to Lord A. Loftus.

MY LORD,

Foreign Office, March 19, 1875.

THE Russian Ambassador called upon me on the 12th instant, being on the point of leaving England for a month, and expressed his wish to ascertain more clearly than he had as yet done the views of Her Majesty's Government on the Central Asian question. He had noticed, as he said, a certain reluctance on my part to discuss that question, and considering its extreme importance to the mutual good relations of the two countries, he was anxious that there should be between us a frank and friendly exchange of opinion.

I told him in reply that I had of late abstained from conversation on the subject of Central Asia, partly because nothing new had occurred, or was occurring, in that quarter to which it seemed necessary to direct the attention of his Government, partly because I was reluctant to seem to indicate distrust or apprehension as to the course which the Russian Government might think fit to pursue, by unnecessarily requesting explanations as to their proceedings. I quite agreed with him, however, as to the expediency of mutual frankness, believing that a great deal of unnecessary suspicion was created on both sides by native intrigue, and by the circulation of exaggerated or unfounded reports, which would be done away by a simple request to know how the truth really stood.

Count Schouvaloff then proceeded to explain at some length what he described as his personal views on the subject of the extension of Russian power in Central Asia, as to which it is sufficient to say that they were unfavourable to fresh annexations. He asked me whether he was right in supposing that there was no inclination on the part of England to advance farther in the direction of the Russian possessions, unless such advance were considered by us necessary for defensive purposes, in order to protect our actual dominions. I said that his view was undoubtedly correct, and that, so far from desiring to annex any part of Afghanistan, we should deprecate such a result as bringing only increased cost and trouble without advantage. We wished to be on good terms with the Afghan Ruler, and to exercise a friendly influence over his policy, but his independence was not likely to be menaced by us. The only case in which I could conceive an advance of British troops westward as probable was in the event of any Russian movement tending to the occupation of Merv.

* Laid before Parliament in 1878.

I reminded Count Schouvaloff that I had warned him some months back of the great importance which the Indian Government attached to Merv, and of the danger to our relations that would ensue if it were meddled with. He said that he remembered what I had told him on that subject, and had communicated it to his Government. He quite saw the danger that might arise if the two Powers were brought face to face in the neighbourhood of Herat. "Was he justified," he asked, "in assuming that our action in this matter would depend on that of Russia, that England would not move if Russia did not?" I said I thought he might feel safe on that point; we only desired the maintenance of the *status quo*, and certainly should not be the first to take steps that might be considered aggressive. He said his Government would be perfectly satisfied with this expression of intentions from me, hinting that the language of some of our newspapers had created distrust and suspicion in Russia.

He then inquired whether the Persian Government had any reason for supposing that English influence was being used to prevent the relations of Persia with the Chiefs of Beloochistan being friendly. I said I knew nothing in detail of the affairs of Beloochistan, they being under the India Office; but I was perfectly sure that if the Persian Government entertained any such belief, which was new to me, they did so without reason. Our policy was to prevent quarrels in the neighbourhood of our frontiers, so far as we could, not to stir them up.

Count Schouvaloff then requested to be enabled to contradict reports about the close alliance into which it was said the British Government was entering with the Ameer of Kashgar. It was reported that arms had been supplied to him from India in large quantities, military instructors provided, and that the object was to use the Ameer as an ally who might be serviceable in any future quarrel with Russia. I had no trouble in contradicting the story of the arms and the instructors, and explained that the sole objects of the British Government in that region were, first, the exploration of a country which had for many generations been unknown to Europeans, and, next, the opening to trade of countries which had hitherto been kept closed by the jealous exclusiveness of the Chinese authorities.

The above were the most important features of a long and interesting conversation, of which I have not thought it necessary to set down a more detailed record, especially as Count Schouvaloff professed to have no instructions from his Government, and his expressions of opinion were therefore only personal.

I am, &c.,

Lord A. Loftus.

DERBY.

Prince Gortchacow to Count Schouvaloff.—(Communicated to the Earl of Derby by Count Schouvaloff, May 11.)

M. LE COMTE,

St. Pétersbourg, le 5 Avril, 1875.

JE crois devoir compléter mes précédentes dépêches par un exposé des vues générales du Cabinet Impérial sur l'Asie Centrale.

Il résulte clairement de la notice historique développant la marche de nos pourparlers avec le Cabinet de Londres que les limites de l'influence appartenant aux deux Gouvernements sont nettement tracées par l'accord intervenu entre eux.

Déterminés à maintenir cette limite intacte, nous considérons les deux Gouvernements comme ayant conservé leur pleine liberté d'action dans les contrées qui les avoisinent, et qui se trouvent placées en dehors de cette ligue. Tous deux n'ont à envisager, à cet égard, que leurs propres intérêts et leurs propres nécessités.

Pour ce qui nous concerne, nous avons pris en sérieuse considération les vœux qui nous ont été à plusieurs reprises exprimés par le Gouvernement de Sa Majesté Britannique, en vue de maintenir dans son esprit, aussi bien que dans sa lettre, l'entente pacifique établie entre nous.

Sa Majesté l'Empereur a daigné ordonner de réunir pour l'examen de ces questions un Comité auquel vous avez pris part.

Votre Excellence a été à même de recueillir de la bouche même de notre auguste Maître l'expression de sa volonté.

Sa Majesté Impériale n'a aucunement l'intention d'étendre les frontières de la Russie telles qu'elles existent actuellement dans l'Asie Centrale, ni du côté du Boukhara ni du côté de Krasnovodsk et de l'Attrek. Aucun motif ne nous y engage. Au contraire, l'Empereur juge toute extension de nos limites dans ces parages contraire à nos propres intérêts. Nous ferons respecter ces limites, et nous protégerons notre commerce, nous châtierons tout acte de violence et de pillage de manière à en prévenir le renouvellement, nous travaillerons à extirper le brigandage et à établir la sécurité de nos possessions.

La configuration de ces contrées et les mœurs de leurs habitants ne permettent pas de préciser d'avance les mesures qui pourraient être nécessaires afin d'atteindre pratiquement ce but. Il nous est commandé par nos devoirs, nos droits, et nos intérêts. Nous devons le remplir, et nous le remplirons.

Mais rien ne doit être fait au-delà de ce qui est indispensable à cet effet.

Les ordres de l'Empereur sont formels à cet égard. Ils ont été notifiés par Sa Majesté Impériale aux autorités militaires appelées à les exécuter.

Vous êtes invité, M. le Comte, à faire connaître ces volontés de notre auguste Maître au Gouvernement de Sa Majesté Britannique,

en citant à Lord Derby les paroles mêmes dont l'Empereur s'est servi en présence de votre Excellence.

Vous ajouterez que Sa Majesté Impériale a la ferme confiance que ces assurances positives faites spontanément en son nom, sans restreindre la liberté d'action qui lui appartient, écarteront toute interprétation erronée des vues du Cabinet Impérial.

Nous ne désirons pas moins que le Gouvernement de Sa Majesté Britannique voir la sécurité et la stabilité s'établir dans les régions de l'Asie Centrale. Les intérêts des deux Gouvernements, loin d'y être en contradiction, nous semblent solidaires, et leurs rapports devraient à notre avis y être basés, non sur la défiance et l'antagonisme, mais sur une mutuelle confiance, de franches explications, et une certaine co-opération en vue de leur but commun.

Nous sommes convaincus que, si en présence de ces résolutions de notre auguste Maître, le Gouvernement des Indes, de son côté, usait de son influence sur l'Emir de Kaboul pour le détourner de toute acte inconsidéré, de nature à exciter ou encourager les Turcomans, quelles que soient les mesures que ces tribus pillardes nous mettent dans la nécessité de prendre pour les contenir ou les châtier, elles ne sauraient porter atteinte ni au *statu quo* convenu entre l'Angleterre et nous, ni aux bonnes relations que nous désirons maintenir entre les deux pays.

Recevez, &c.,

Count Schouvaloff.

GORTCHACOW.

Inclosure.—Memorandum.

IL y a quelques années la Russie s'est vue obligée de prendre des mesures militaires afin d'établir l'ordre et la tranquillité dans les steppes Kirghises. Ces mesures l'ont placée, par la suite, dans la nécessité de faire des acquisitions territoriales considérables. Depuis lors, le public Anglais nous a attribué des plans de conquête dirigés contre l'Angleterre, et menaçants pour la tranquillité des possessions Britanniques dans l'Inde.

Ces commentaires erronés sur les desseins de notre politique dans l'Asie Centrale pouvaient amener, dans nos relations amicales avec l'Angleterre, des causes de froissement que le Cabinet Impérial avait à cœur d'éviter.

C'est dans ce but qu'il adressa à nos Légations à l'étranger la Circulaire du 21 Novembre, 1864.*

Cette pièce portait un caractère purement confidentiel. Elle ne fut publiée qu'en 1865, après que le Gouvernement Britannique en eût pris connaissance par une de ses Légations à l'étranger. Ce fait et le sens précis de nos déclarations excluaient la possibilité de toute interprétation impliquant un engagement contracté par la

Russie vis-à-vis de l'Europe ou d'une Puissance quelconque. La pensée du Gouvernement Impérial était nettement exprimée; elle se résumait dans l'exposé des principes qui avaient guidé, jusqu'ici, notre politique en Asie Centrale, et dans la déclaration spontanée quant au but final que les ordres de Sa Majesté l'Empereur avaient tracé à l'action de son Cabinet dans ces contrées.

En constatant les motifs qui nous avaient déterminés à ne pas dépasser la ligne tracée de Tchemkent à Issiz-Koul, la Circulaire signalait, en même temps, comme base de tout le système, la nécessité d'arrêter nos frontières à l'endroit précis où commencent les populations fixes, offrant les éléments d'un organisme social stable, avec lesquelles il nous serait possible d'établir des relations régulières.

Il était nécessaire de créer et de développer ces relations, d'un côté en civilisant, par la colonisation, les tribus nomades englobées par la nouvelle ligne de nos frontières, et de l'autre en attirant, par la sécurité des transactions et par des avantages réciproques, les populations du Khokand, avec lesquelles cette nouvelle ligne nous mettait en contact, et d'arriver à l'établissement de rapports commerciaux et pacifiques. Tel était le double but auquel, dès ce moment, ont tendu tous nos efforts.

Malheureusement les difficultés, sans cesse renaissantes, qui résultent du contrat entre une Puissance régulièrement constituée et des voisins à demi-sauvages, nous forcèrent bientôt à dépasser les limites que nous nous étions volontairement tracées.

Obligés de nous défendre contre les agressions continuelles des peuplades limitrophes et de châtier un ennemi que son organisation sociale rendait insaisissable, nous dûmes bientôt nous convaincre que pour consolider nos nouvelles acquisitions territoriales, nous devions établir, avant tout, au-delà de nos frontières, la tranquillité indispensable à notre sécurité.

La cause de cette instabilité résidait, d'abord, dans le voisinage de tribus dont les mœurs nomades et turbulentes paralysaient toute colonisation et tout commerce par caravanes; ensuite, dans les fluctuations perpétuelles de la situation politique de ces contrées, où le Tashkent et le Khokand, tantôt réunis, tantôt séparés, toujours en guerre, soit entre eux, soit avec Boukhara, n'offraient aucune possibilité de relations fixes ni de transactions quelconques.

Le Gouvernement Impérial s'était donc vu placé, malgré lui, dans l'alternative de laisser se perpétuer un état de désordre permanent, qui paralysait toute sécurité et tout progrès, ou de chercher à soumettre par la force des armes les petits États indépendants dont les mœurs pillardes et les perpétuelles dissensions ne laissent à leurs voisins ni trêve ni repos.

C'est ainsi qu'après avoir franchi le désert qui nous séparait du

Turkestan, nos soldats, maîtres de Tashkent, se sont trouvés placés en face de l'armée de l'Émir de Boukhara.

La conduite de ce Chef n'a point tardé à provoquer un conflit, dont les conséquences, en dépassant les prévisions immédiates du Cabinet Impérial, ont conduit nos troupes à Samarkand, qui s'est soumis sans coup férir.

Dès l'origine de cette complication nous avions franchement signalé au Cabinet Anglais le danger auquel l'Émir s'exposerait infailliblement s'il se précipitait dans une lutte que nous n'avions rien fait pour provoquer.

Les explications données par notre Ambassadeur à Londres avaient satisfaites le Comte Clarendon, alors Principal Secrétaire d'État,* qui lui avait déclaré que les rapides progrès des troupes Russes n'avaient provoqués ni soupçon ni alarme de la part du Gouvernement Britannique, mais que ce sentiment de sécurité était loin d'être partagé par le public Anglais, ainsi que par celui des Indes ; que pour apaiser ce malaise, qui pourrait mettre en péril la bonne entente existant actuellement entre la Russie et l'Angleterre, il serait à souhaiter qu'entre les possessions Russes et Anglaises il restât un territoire neutre, destiné à éviter le choc que pourrait causer un contact immédiat entre les deux Grandes Puissances se rencontrant au centre de l'Asie.

Ces propositions du Comte Clarendon répondaient trop aux vues du Gouvernement Impérial pour n'être pas accueillies favorablement. En conséquence, ordre fut donné au Baron Brunnov d'entrer en pourparlers confidentiels sur ce sujet avec le Gouvernement Anglais.

Sur ces entrefaites, profitant du séjour du Chancelier de l'Empire à Baden-Baden, Lord Clarendon, qui se trouvait alors à Wiesbaden, lui avait demandé une entrevue, dans le but d'arriver, par un échange d'idées, au meilleur moyen à employer pour maintenir, entre la Russie et l'Angleterre, de bonnes relations, conformes à leurs intérêts mutuels dans l'Asie Centrale. La ville de Heidelberg fut désignée comme point de réunion.

Cette entrevue eut pour résultat un accord basé sur le maintien, entre la Russie et la Grande Bretagne, d'une zone intermédiaire, destinée à séparer leurs possessions en Asie.

Dans cet ordre d'idées il demeuraît entendu que l'Afghanistan formerait un État indépendant, qui devrait rester en dehors de l'action de la Russie.

Nous avons, en même temps, insisté auprès du Gouvernement Britannique pour que la circonscription territoriale de l'Afghanistan

* Dépêche du Comte Clarendon à Sir A. Buchanan, en date du 27 Mars, 1869. Vol. LXIII. Page 657.

fût déterminée dans les limites des Khanats de Hérat, de Kaboul et de Kandahar, actuellement possédés par l'Emir Shir-Ali-Khan.*

Lord Clarendon chercha plus tard à élargir ces limites dans le but de mieux préciser les confins de l'Afghanistan, jusqu'ici mal déterminés au nord par l'absence de frontières clairement indiquées.

Afin de suppléer à ce manque de précision, Lord Clarendon avait exprimé le désir de convenir d'une ligne fictive, qui étendrait les frontières de l'Afghanistan jusqu'à la rive gauche de l'Oxus.

Ce tracé géographique ne se contentait pas de la neutralisation des vastes contrées auxquelles nous avons consenti à appliquer ce principe ; il s'étendait notamment au-delà du territoire de l'Afghanistan proprement dit, et dépassait de beaucoup les limites reconnues par nous.

En conséquence, ordre fut donné à notre Ambassadeur à Londres de décliner le projet proposé par Lord Clarendon.

Le Baron Brunnow eut soin de constater ce refus, en remettant entre les mains du Principal Secrétaire d'État un extrait de la lettre du $\frac{1}{2}\frac{4}{6}$ Avril, 1869, par laquelle son Altesse le Prince Gortchacow avait énoncé ce refus.

Cette réponse négative mit fin aux explications confidentielles de notre Ambassadeur avec Lord Clarendon au sujet de la zone neutre.

Après avoir été définitivement close à Londres, cette question fut reprise à St. Pétersbourg en 1869, lors du séjour de Mr. Forsyth, fonctionnaire de l'Administration des Indes, autorisé par le Vice-Roi Lord Mayo à se rendre à St. Pétersbourg, en vue d'un échange d'idées sur les questions intéressant les deux Gouvernements.

Les considérations qui servirent de point de départ aux explications confidentielles de Mr. Forsyth avec le Cabinet Impérial se résument ainsi :—

1. Les deux Gouvernements étaient animés du même désir de prévenir, en tant que cela dépendrait d'eux, tous les sujets de malentendus qui pourraient surgir par suite du défaut d'organisation politique des États indépendants, connus dans la géographie sous les dénominations collectives d'Afghanistan et de Turkestan libres.

2. Il demeurerait entendu que s'il était arrivé jusqu'à ce jour à l'Angleterre et à la Russie d'entreprendre des expéditions militaires dans une ou l'autre partie de l'Asie Centrale, et d'adjoindre à leurs possessions de nouveaux territoires, cette conduite ne leur avait été dictée que par la force des circonstances locales et par une impossibilité absolue d'agir autrement.

* Lettre du Prince Gortchacow du $\frac{1}{2}\frac{4}{6}$ Avril, 1869.

3. Dans l'état actuel des choses, les frontières Russes et Anglaises en Asie Centrale ne pouvant pas être considérées comme immuables, un arrangement international sur ce point resterait sans effet ; le meilleur expédient pour arriver à un résultat satisfaisant serait donc de se borner à arrêter, autant que faire se pourrait, des bases générales d'équilibre politique pour les pays qui séparent les possessions Russes et Anglaises en Asie.

En suite de quoi il fut convenu :—

1. Que l'on considérât les territoires actuellement en la possession effective de Shir-Ali-Khan comme formant les limites de l'Afghanistan.

2. Que cet Émir ne chercherait à exercer aucune influence ni aucune immixtion au-delà de ces limites, et que le Gouvernement Anglais appliquerait tous ses soins à le détourner de toute tentative d'agression.

3. Que, de son côté, le Gouvernement Impérial emploierait toute son influence, afin d'empêcher l'Émir de Boukhara de porter aucune atteinte au territoire Afghan.

Ces principes reçurent la pleine adhésion du Cabinet de Londres et du Gouverneur-Général des Indes.

Au mois de Mai, 1870, l'Ambassadeur de Sa Majesté Britannique à St. Pétersbourg remit au Gouvernement Impérial une dépêche de Lord Mayo,* qui, se basant sur l'accord intervenu entre les deux Puissances, proposait de fixer, dès à présent, les limites des possessions de Shir-Ali-Khan, en prenant pour base les données recueillies à ce sujet par le Gouvernement des Indes.

La dépêche attribuait, toutefois, à ces données, une interprétation qui ne correspondait point entièrement au sens précis de l'entente survenue comme conséquence de l'échange d'idées entre les Cabinets de Londres et de St. Pétersbourg.

En effet, après avoir constaté que les possessions de Shir-Ali-Khan au nord et au nord-ouest *semblaient* coïncider à-peu-près *exactement* avec celles de son père, Lord Mayo arrivait à la conclusion que les limites du Royaume de Dost Mohammed pouvaient être en général adoptées *comme les limites destinées à séparer le Royaume de l'Afghanistan des autres États de l'Asie Centrale* au nord et au nord-ouest.

Or, à l'époque des pourparlers avec Mr. Forsyth on était convenu de s'en tenir aux territoires ayant jadis reconnu l'autorité de Dost Mohammed qui *se trouveraient encore aujourd'hui en la possession effective de Shir-Ali-Khan*.

Cette nuance importante marquait la différence qui séparait notre point de vue de celui de Lord Mayo.

Toutefois, avant de formuler une opinion définitive, le Gouvernement Impérial crut nécessaire de réunir des données positives à l'égard de ces contrées lointaines et imparfaitement connues.

En conséquence, le Gouverneur-Général du Turkestan fut chargé de recueillir tous les renseignements qui pouvaient éclaircir la question et permettre au Gouvernement Impérial de se former une opinion pratique en pleine connaissance de cause.

La question qu'il s'agissait de résoudre avait deux aspects :—

1. Constater l'état actuel de possession effective de Shir-Ali-Khan.

2. Rechercher, en se basant sur ce *statu quo*, la meilleure délimitation à tracer afin de répondre au but des pourparlers entre le Gouvernement Impérial et celui de l'Angleterre; c'est-à-dire, d'écarter, dans la mesure du possible, les causes de conflits et d'empiétements mutuels entre les Khanats voisins, et, par conséquent, de garantir entre eux, autant que faire se pouvait, l'état de paix que de part et d'autre les deux Gouvernements devaient désormais s'attacher à faire respecter par tous les moyens d'influence en leur pouvoir.

Dans cet ordre d'idées il résultait des renseignements fournis par le Général Kaufmann :—

1. Qu'au nord l'Amou-Daria constitue en effet la frontière normale de l'Afghanistan, à partir de son confluent avec la Kouktcha, jusqu'au point de Khodja Saleh.

Sous ce rapport nos renseignements étaient d'accord avec l'opinion du Gouvernement Britannique.

2. Au nord-est les données de fait que nous avions recueillies assignaient le confluent de cette rivière avec le Kouktcha comme la limite des territoires sur lesquels Shir-Ali-Khan exerce une souveraineté effective incontestable. Au-delà de cette limite et notamment à l'égard du Badakchan et du Vakhan, il avait été impossible de saisir les traces d'une semblable souveraineté; l'ensemble des informations présentent au contraire de nombreux indices qui devaient faire envisager ces contrées comme indépendantes. Ainsi, dans tout ce pays on ne rencontre aucun des signes qui, en Asie, accompagnent l'exercice de la souveraineté; c'est-à-dire, la présence d'officiers Afghans et d'employés pour collectionner l'impôt. En outre, les Chefs du Badakchan se sont considérés et ont été en tout temps considérés par leurs voisins comme des Chefs indépendants.

3. Pour ce qui est du Vakhan, ce pays était resté, du moins jusqu'à ce jour, encore plus en dehors de l'influence directe des Chefs de l'Afghanistan.

4. Quant aux limites à reconnaître à l'Afghanistan, du côté du nord-ouest, à partir de Khodja Saleh, nos informations signalaient également des doutes sur le fait de la possession effective par l'Émir

de Caboul des villes d'Aktchi, Séripoul, Meimané, Chibirgan, et Ankhoï, que l'Angleterre proposait de faire entrer dans les limites reconnues de l'Afghanistan.

Cependant, tandis que ces questions étaient encore à l'étude, le Ministère Impérial des Affaires Étrangères reçut communication d'une nouvelle dépêche de Lord Granville qui maintenait l'opinion émise par Lord Mayo sur les points en discussion.

En réponse à cette communication, le Cabinet Impérial s'empressa de transmettre au Gouvernement de Sa Majesté Britannique les renseignements fournis par le Gouverneur-Général du Turkestan, avec les conclusions qui lui paraissaient en découler.*

Après avoir précisé les points sur lesquels l'opinion des deux Gouvernements divergeait, le Cabinet Impérial s'attachait principalement à maintenir le Badakchan et le Vakhan comme États indépendants et en dehors des frontières assignées à Shir-Ali-Khan.

Il insistait d'autant plus sur ce point que dans l'état actuel des choses il n'existait pas de conflit entre le Badakchan et ses voisins. Le Boukhara n'avait aucune prétention sur ce pays. Les deux États étaient d'ailleurs trop faibles, trop absorbés par leurs affaires intérieures, pour se chercher querelles. L'Angleterre et la Russie n'auraient donc à s'employer que pour maintenir cet état de paix aussi bien entre ces Khanats qu'entre l'Afghanistan et le Badakchan. Il en serait tout autrement le jour où l'Émir de Caboul étendrait son autorité sur le Badakchan et le Vakhan. Il se trouverait en contact immédiat avec le Kashgar, le Khokand, et le Boukhara, dont il était jusqu'ici séparé par ces deux pays ; et il serait dès lors bien plus difficile d'éviter des conflits provenant, soit de son ambition et du sentiment de sa force, soit de la jalousie de ses voisins.

Telles étaient les considérations qui avaient poussé le Gouvernement Impérial à maintenir son point de vue pour ce qui concernait le Vakhan et le Badakchan.

Quant aux limites de l'Afghanistan au nord-ouest, bien qu'il existât des doutes quant au fait de la possession par l'Émir de Caboul des villes d'Aktchi, Séripoul, Meimané, Chibirgan, et Ankhoï, le Cabinet Impérial déclarait qu'il était disposé à admettre leur annexion au territoire Afghan.

Malgré ces concessions importantes le Gouvernement Anglais ne crut pas pouvoir adhérer à la combinaison proposée par nous. Dans cet état de choses, ne voulant pas retarder plus longtemps le règlement de cette question, le Cabinet Impérial, dans sa dépêche du 19 Janvier, 1873,† consentit à la réunion du Badakchan et du Vakhan au territoire Afghan et donna ainsi son adhésion pleine et entière à

* Dépêche du Prince Gortchacow du 7 Décembre, 1872. Vol. LXIII. Page 751.

† Vol. LXIII. Page 767.

la ligne de démarcation proposée par la dépêche de Lord Granville en date du 17 Octobre, 1872* (voir Annexes 1 et 2).

Sur ces entrefaites l'expédition de Khiva fut décidée.

Des brigandages continuels, l'imposition de redevances aux Kirghises soumis à notre domination, des excitations à la révolte parmi ces nomades, la capture de nos sujets réduits à l'esclavage ; tels étaient les faits qui depuis bien des années réclamaient l'adoption de mesures décisives contre ce Khanat. Toutefois, on conservait encore l'espoir d'arriver par des voies pacifiques à l'établissement de relations plus régulières avec ces turbulents voisins.

Plus d'une fois nous avons fait parvenir au Khan des réclamations modérées, mais elles étaient demeurées sans réponse ou bien elles avaient rencontré de sa part un refus arrogant.

Après l'insuccès de ces efforts réitérés une expédition fut décidée.

Quoique, d'après l'entente survenue entre le Gouvernement Impérial et celui de la Grande Bretagne relativement à l'établissement d'une zone neutre entre les possessions Anglaises et Russes, le Khanat de Khiva rentrât entièrement dans notre sphère d'action, nous crûmes devoir faire acte de courtoisie en n'adoptant aucune mesure décisive contre le Khiva avant d'en avoir informé l'Angleterre.

Le Gouvernement Impérial n'avait en aucune façon l'intention de conquérir et d'annexer aucune partie du territoire de Khiva. Son but était, d'abord, de châtier le Khan pour le passé ; ensuite, de créer un état de choses qui garantît nos sujets contre les incursions et les déprédations des Khiviens et des Turcomans, et rendit possible le développement des relations commerciales.

Des instructions formelles avaient été données en conséquence au Commandant-en-chef de l'expédition.

Ces considérations furent spontanément portées à la connaissance du Gouvernement Britannique par l'organe de M. l'Aide-de-camp Général Comte Schouvaloff, qui s'était rendu à Londres.

Toutefois, lorsque Khiva eut été occupé et qu'on fut à même de connaître les conditions de la vie intérieure du pays, on put se convaincre que, même avec la meilleure volonté de la part du Khan d'entretenir avec nous des relations de bon voisinage, la force à cet effet lui aurait fait défaut ; car son influence sur les Turcomans était presque nulle, et qu'il arrivait souvent que lui-même, ainsi que ses sujets, avaient à subir l'ascendant de ces brigands des steppes.

Ainsi, après le départ de notre corps expéditionnaire, les mêmes incursions auraient infailliblement recommencé ; le Gouvernement Impérial se serait vu obligé de renouveler une expédition onéreuse

afin d'infliger un nouveau châtiment aux Turcomans, et, en pareil cas, il aurait été impossible de conserver l'existence autonome de Khiva.

C'est pourquoi il fut jugé indispensable de construire sur la rive droite de l'Amou-Daria un fort pourvu d'une garnison suffisante afin de protéger nos frontières contre les attaques des Turcomans. En outre, il était nécessaire d'assurer les communications du fort et de sa garnison avec le Turkestan.

Nous nous sommes vus, par conséquent, obligés de réunir à nos possessions le désert aride qui s'étend entre cette province et le fort nouvellement construit. Quelque stérile et onéreuse qu'ait été pour nous une pareille acquisition territoriale, elle était inévitable, vu que le Khan lui-même avait reconnu et déclaré qu'il ne serait en mesure de remplir ses obligations envers nous qu'à la condition absolue d'avoir à proximité un détachement et un corps de troupes Russes. Ses vœux étaient allés plus loin encore ; il avait instamment sollicité le maintien des troupes Russes dans la ville même de Khiva.

Tels ont été les résultats de l'expédition contre le Khiva ; ils nous étaient imposés par un état de choses impossible à prévoir et par des nécessités indépendantes de notre volonté.

Nous avions tout lieu d'espérer que les explications franches de notre Ambassadeur à Londres effaceraient à cet égard les dernières appréhensions du Gouvernement de la Grande Bretagne.

Malheureusement nous dûmes bientôt nous convaincre du contraire.

Lors de la publication du Traité de Paix conclu entre le Général Kaufmann et le Khan de Khiva,* Lord Granville, par sa dépêche en date du 7 Janvier, 1874,† chargea l'Ambassadeur Britannique à St. Pétersbourg d'attirer l'attention du Gouvernement Impérial sur les dangers qui pouvaient résulter des progrès de la Russie dans l'Asie Centrale pour l'équilibre politique que l'entente des deux Gouvernements avait tâché d'établir dans ces contrées.

Après avoir constaté que le Gouvernement Britannique ne trouvait point pratique d'examiner trop minutieusement si les clauses du Traité de Paix conclu avec le Khiva étaient strictement conformes aux assurances que lui avait données le Comte Schouvaloff, Lord Granville signalait au Gouvernement Impérial les appréhensions soulevées dans l'Afghanistan par les rumeurs répandues d'une expédition Russe contre Merv et contre les tribus des Turcomans de ces parages.

Il prévoyait qu'en pareil cas il pourrait facilement advenir que les Turcomans se vissent forcés à se réfugier dans la province de Badaghees en Hérat, et que dès lors il était à craindre que cela ne

* Vol. LXV. Page 84.

† Vol. LXV. Page 87.

conduisit les autorités Russes à demander à l'Émir soit d'empêcher les Turcomans de commettre des agressions, soit de permettre aux forces Russes d'entrer sur le territoire Afghan dans le but de punir les tribus hostiles.

En conséquence, il exprimait le ferme espoir que dans cette éventualité le Gouvernement Impérial prendrait en sérieuse considération les dangers qui résulteraient d'une pareille expédition et voudrait bien établir franchement, et une fois pour toutes, que l'indépendance de l'Afghanistan est considérée comme une condition de haute importance pour le bien-être et la sécurité des Indes Anglaises et la tranquillité de l'Asie.

Quel que fut le vif désir du Cabinet Impérial d'aller au devant d'un vœu du Gouvernement Britannique, qui répondait à ses propres intentions, il lui était impossible de déférer entièrement à ces représentations amicales. Elles ne semblaient point s'accorder entièrement avec l'esprit de l'entente établie précédemment entre les deux Cabinets. En effet elles tendaient, d'un côté, à restreindre la sphère d'action que nous concédait le programme tracé d'un commun accord entre les deux Cabinets, puisque Merv se trouve bien au-delà des frontières reconnues à l'Afghanistan ; et, d'un autre côté, à diminuer la valeur des engagements découlant pour le Gouvernement Anglais du même accord, aux termes duquel l'Angleterre s'obligeait à user de toute son influence auprès de Shir-Ali-Khan, afin de l'amener à conserver une attitude pacifique.

Dans sa dépêche responsive en date du 21 Janvier, 1874,* son Altesse le Prince Gortchacow réitéra l'assurance positive que le Gouvernement Impérial persistait à considérer l'Afghanistan comme entièrement en dehors de sa sphère d'action. Il ajouta que, si de part et d'autre les deux Gouvernements employaient leur ascendant sur les États placés dans le rayon de leur influence naturelle afin de les détourner de toute agression, il y avait tout lieu d'espérer qu'aucune collision ne viendrait troubler le repos de l'Asie Centrale. Quant au danger qui, selon l'opinion de Lord Granville, pourrait résulter d'une expédition contre les Turcomans, le Prince Chancelier déclara que nous n'avions aucune intention d'entreprendre des mesures militaires contre ces tribus ; qu'il dépendait entièrement d'elles de vivre en bonne intelligence avec nous, mais que, si elles se livraient à des actes d'agression et de brigandage contre nous, force nous serait de les châtier. Dans ce cas, quoique l'éventualité signalée par Shir-Ali-Khan fût peu probable, l'Émir de Kaboul pourrait contribuer à en éloigner la possibilité, en faisant nettement comprendre d'avance aux Turcomans que s'ils provoquaient des mesures de rigueur par des actes de déprédation contre nous, ils ne devaient compter sur aucune assistance de sa part.

Cette dépêche clôt la série des communications échangées entre les deux Gouvernements sur les affaires de l'Asie Centrale.

Il résulte de la lecture de ces pièces diplomatiques que le malentendu qui semble exister entre le Gouvernement Britannique et nous n'a aucune raison d'être.

Le Cabinet de Londres semble déduire de ce que nous lui avons à plusieurs reprises communiqué spontanément et amicalement nos vues sur l'Asie Centrale, et en particulier notre ferme intention de ne point y poursuivre une politique de conquêtes et d'annexions, la conviction que nous aurions contracté envers lui des engagements précis sous ce rapport.

De ce que les événements nous ont forcés, malgré nous, à nous écarter de ce programme dans une certaine limite, il semble conclure que le Cabinet Impérial aurait manqué à des promesses formelles.

Enfin, des progrès successifs que nous avons dû faire dans ces contrées, il infère que l'Angleterre a le droit et le devoir de prendre de son côté des mesures pour restreindre notre action, paralyser notre influence, et se garantir contre des agressions éventuelles.

Ces conclusions ne semblent pas conformes à la réalité des choses, ainsi qu'à l'esprit et à la lettre des Conventions établies entre les deux Gouvernements.

Il est toujours resté entendu que, de part et d'autre, ils conserveraient entièrement leur liberté d'action et d'appréciation quant aux mesures nécessitées par leur propre sécurité.

Dès l'année 1864, lorsque nous avons donné par notre première circulaire l'assurance de notre ferme intention de ne pas étendre nos possessions en Asie au-delà du strict nécessaire, nous avons clairement et loyalement indiqué les éventualités auxquelles l'état précaire de ces contrées pourrait nous mettre dans le cas de pourvoir.

Ces nécessités avaient été si bien appréciées par Lord Clarendon qu'en prenant acte de nos assurances spontanées, il nous répondit que le Cabinet Britannique connaissait par sa propre expérience aux Indes l'impossibilité pour un Gouvernement, appelé à établir sa domination sur des contrées barbares, de fixer les limites auxquelles il pourrait s'arrêter.

Les mêmes principes ont présidé à nos pourparlers avec Mr. Forsyth. Il a été reconnu notamment *que, dans l'état actuel des choses, les frontières Russes et Anglaises en Asie Centrale ne pouvant pas être considérées comme immuables, un arrangement international sur ce point resterait sans effet.*

Mais, à côté de cette latitude, réservée aux deux Gouvernements dans un esprit de sagesse pratique, les points suivants ont été établis d'un commun accord :—

1. Qu'un antagonisme entre eux dans ces contrées serait contraire à leurs intérêts mutuels et à la mission civilisatrice à laquelle

ils sont appelés chacun dans la sphère de son influence naturelle ; qu'ils auraient tout avantage à se prêter un mutuel concours afin de maintenir un état de paix entre les Khans de l'Asie Centrale et de ne point permettre que les intrigues de ces Khans mettent en conflit les intérêts de deux grands Empires.

2. Qu'à cet effet il était désirable de conserver entre eux une zone intermédiaire, qui les préservât d'un contact immédiat.

3. Que l'Afghanistan constituerait cette zone intermédiaire, si son indépendance était mise de part et d'autre à l'abri de toute atteinte.

4. Que les limites de cet État seraient reconnues d'après le tracé convenu à la suite d'une longue négociation.

5. Que les deux Gouvernements s'emploieraient réciproquement dans leurs sphères d'influence, l'Angleterre sur l'Émir Afghan, la Russie sur les Khans de Boukhara et de Khokand, pour prévenir toute agression de la part de l'un de ces Chefs contre l'indépendance et la sécurité de l'autre.

Telles ont été les bases précises de l'accord établi entre les deux Gouvernements.

Le Gouvernement Impérial n'a pas cessé pour sa part de les avoir en vue et d'y conformer ses actes.

Malgré les termes même de cet accord, qui nous laisse pleine liberté d'action sur toute la portion de territoire située entre nos frontières et celles de l'Afghanistan, le Khokand conserve son autonomie et doit un accroissement considérable de sa prospérité aux bonnes relations qu'il entretient avec nous. Il en aurait été de même du Boukhara, si l'Émir ne s'était pas laissé entraîner à des actes agressifs. La nécessité de le contenir et le vœu de la population ont été les principales raisons qui nous ont obligé de garder Samarkand.

Mais nous lui avons restitué la ville de Karchi et le Khanat de Schahrissiab. Quant au Khiva, après l'avoir châtié et mis fin à ses actes de brigandage, nous lui avons cependant gardé son autonomie. Pour ce qui concerne l'Afghanistan, nous avons employé avec succès notre influence sur l'Émir de Boukhara, afin de le dissuader de toute agression contre le territoire Afghan, et nous avons refusé de donner suite aux desseins d'Abdul Rahman Khan, neveu de l'Émir de l'Afghanistan, contre le repos de cette contrée.

L'efficacité de notre action, sous ce rapport, a été reconnue par le Gouvernement Britannique.

Le Cabinet Impérial est persuadé que si, de part et d'autre, les deux Gouvernements continuent à marcher dans cette voie, le but auquel ils travaillent d'un commun accord sera efficacement atteint ; le repos de l'Asie Centrale sera mis autant que possible à l'abri des vicissitudes que l'état sauvage de ces contrées doit faire appré-

hendre; non-seulement tout contact immédiat et tout choc entre eux sera écarté, mais encore la conviction de leur ferme et loyal accord, éloignant de l'esprit des Khans Asiates l'idée d'un antagonisme sur lequel ils puissent spéculer, préviendraient les causes de troubles et de conflits; ils pourraient aussi en pleine sécurité poursuivre, chacun dans sa sphère naturelle, leur mission civilisatrice et le développement de leurs mutuels intérêts.

Le Cabinet Impérial sera toujours disposé à y consacrer ses efforts.

Mr. Doria to the Earl of Derby.—(Received June 28.)

(Extract.)

St. Petersburg, June 23, 1875.

THE reply which was given in the House of Commons by the Hon. R. Bourke to Sir C. Dilke's question relative to the Russian expedition to Hissar having been published in the "St. Petersburg Journal" of this morning, I took the opportunity to mention the subject to Baron Jomini, who replied that the expedition was of a scientific character, which was always the first step towards commercial advancement in an uncivilized country, and that the more the inhabitants were brought into contact with civilization, there existed a greater hope of forcing upon them the conviction that it was for their own interests and benefit to cultivate commercial relations whereby they would be enriched, than to seek by plunder and assassination an uncertain gain.

His Excellency then enlarged upon the subject of the relations between England and Russia in reference to the latter's position in Central Asia, and he argued that he saw no reason for mutual jealousy; that, on the contrary, should the two Governments act more together in the interests of general progress and civilization, it might be a means of strengthening both in their respective Eastern dominions, where a powerful antagonistic element existed in the Mussulman population, a menace to both Governments, and should at any time a leader of daring character endowed with military genius arise, much was to be feared by such an event.

Nor does his Excellency regard the possibility of the two dominions eventually becoming limitrophe, should the eventuality arise, as a reason for indulging in vague fears of hostility; that, if Russia lived at peace with her frontier reaching to Austria and Germany, why should the fact of her territory touching the borders of the British Empire in India be a reason for warfare, which no reasonable mind could accept the possibility of her being able to conquer?

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received July 26.)

MY LORD,

St. Petersburg, July 13, 1875.

I YESTERDAY had occasion to call upon Baron Jomini, who during our conversation adverted to the debate which had taken place in the House of Commons at Westminster on the motion of Mr. Baillie Cochrane relative to the progress of Russia in Central Asia.

His Excellency began by expressing an entire participation and accordance in the opinions and views of Her Majesty's Government as announced to the House by the Honourable R. Bourke, I might almost say approval of the speech of Her Majesty's Under-Secretary of State for Foreign Affairs.

His Excellency said to me that at first a neutral zone had been talked of and proposed as a limit to the advance of both Empires ; but, he added, a neutral zone is an impossibility in a territory of barbarians. Belgium, he said, can be considered a neutral country, because civilized and in a position to respect certain acknowledged international rights which are frequently entirely disregarded by the various turbulent tribes of Central Asia ; that to enforce upon them a respect for the maintenance of peace often entailed on Russia a necessity of direct interference, doing away with the professions of the existence of a neutral zone, which could only be maintained in a moral sense.

But the main point of his Excellency's conversation went to show the fixed idea existing in his mind that the British and Russian Empires must eventually become limitrophe. His Excellency repeated the opinion I had the honour to recount to your Lordship in my despatch of the 23rd ultimo, that if the Empires of Russia and Austria or Germany, having a common frontier, can exist on terms of peace, why not England and Russia ? And, his Excellency said, if England found it to her interests to annex Afghanistan to her Indian Empire, the Russian Government would not regard it as a menace to them, nor would they endeavour to prevent it, and that, therefore, they cannot comprehend why the future absorption of Bokhara and Khokand should raise such excitement and alarm in the minds of Englishmen.

I think that Baron Jomini viewed with satisfaction the statement that the correspondence between Her Majesty's Government and that of Russia had not led to any agreement as to the limits of a neutral zone.

I have arrived at this conviction, that many Russians, and amongst them men of political position and in Government service, entertain the full persuasion that the maintenance for any number of years of a great neutral territory between the two Empires of

Russia and India is an impossibility, and that the notion must be abandoned.

I have, &c.,

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received August 9.)

MY LORD,

St. Petersburg, August 3, 1875.

I ALLUDED in conversation with Baron Jomini this morning to the subject of the supposed expedition against Merv, stating that a report to that effect had reached me.

Baron Jomini's reply has led me to believe that there is no foundation whatever for the report. His Excellency spoke without reluctance or hesitation, and stated that there was no cause for, or advantage to be gained by, such an expedition. If there was, then, although they would be sorry to be disagreeable to England, "Every one for himself, and God for all;" but if they took Merv they would find themselves, on account of the marauding tribes, necessitated to make a further advance in order to curb and restrain them, and where was it to end? Moreover, he referred to the orders given by His Majesty the Emperor against any such attack on Merv. In the face of this appeal to the Emperor's command, and his Excellency's own assertions, I cannot hesitate to accept them as loyal and sincere, at all events as far as his Excellency's own faith and knowledge is pledged.

Baron Jomini further stated that the improved state of submission of the Turkoman tribes renders an attack on Merv less requisite, and he alluded to a "reconnaissance" of General Llamakin which had been satisfactory in this respect, finding a marked improvement in the submissive behaviour of the Turkomans.

I have, &c.,

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received September 20.)

MY LORD,

St. Petersburg, September 7, 1875.

THIS morning's edition of the "St. Petersburg Journal" publishes a letter taken from the "Moscow Gazette" with reference to the scientific and military expedition to explore the ancient bed of the Amou-Daria, and it describes the submission of the Akhal-Téké tribe, the Chiefs of which sent a deputation to General Llamakin announcing their submission and the surrender of the Russian Yomoud prisoners.

The most complete resignation to Russian authority appears to be established.

I have the honour to inclose a copy of the extract for your Lordship's information.

I have, &c.,

The Earl of Derby.

W. DORIA.

(Inclosure.)—*Extract from the "Journal de St. Pétersbourg" of*
August 26,
September 7, 1875.

ON sait que l'expédition scientifique et militaire envoyée pour explorer l'ancien lit de l'Amou-Daria, connu sous le nom d'Onzboï, avait eu pour résultat indirect l'établissement de relations amicales avec la tribu guerrière d'Akhal-Téké. Une lettre que publie la "Gazette de Moscou" donne les détails suivants sur cet épisode, qui n'est pas dénué d'une certaine importance.

L'approche de la colonne du Général Llamakin produisit une vive émotion sur la tribu d'Akhal-Téké. Les Chefs se réunirent pour délibérer à Hok-Tépé, résidence des 4 Khans qui gouvernent la tribu. La délibération aboutit à l'envoi de députés au Général Llamakin pour lui annoncer la soumission complète des Téciens et pour rendre les Yemoudes Russes faits prisonniers par l'Akhal-Téké. On décida encore d'interdire sous peine de mort le pillage des caravanes Russes et en général les hostilités contre les sujets Russes, et de choisir 100 ferrosches chargés de veiller à l'exécution de ce qui venait d'être résolu.

Peu de temps après les Khans et les Chefs d'Akhal-Téké arrivèrent au camp du Général Llamakin et l'un d'eux adressa au Général la locution suivante :—

"Nous sommes entourés par les Merwiens, les Khiviens, les Afghans, les Persans. Tous ont cherché à nous soumettre à leur pouvoir. Notre indépendance ne saurait durer. Sans attendre notre asservissement par la voie des armes, nous avons résolu volontairement notre soumission au plus puissant de nos voisins, qui saura garantir notre sécurité. Depuis ce jour nous sommes les serviteurs de l'Ak-Padischah (Tsar Blanc), et nous sommes prêts à remplir tous vos désirs. Nous sommes familiarisés avec la guerre. Dites un mot et nous mettrons à votre service 5,000 cavaliers. En échange nous vous prions de soumettre à l'Ak-Padischah l'humble prière de notre peuple de bien vouloir lui confirmer la jouissance des libertés et immunités reconnues par les diplômes de Tamerlan et de Nadir-Schah."

Depuis lors, ajoute le correspondant de la "Gazette de Moscou," ont commencé nos relations commerciales avec les Téciens, et le calme le plus complet règne dans les steppes des parages qu'ils occupent.

Mr. Doria to the Earl of Derby.—(Received September 20.)

MY LORD,

St. Petersburg, September 9, 1875.

I HAVE the honour to inclose to your Lordship, extracted from the "Invalide Russe," the following transcript of a telegram from General Kaufmann, addressed to His Majesty the Emperor on the

25th ultimo, which appeared in the "Journal de St. Pétersbourg" this morning.

The telegram narrates the events of the battle of Mahram, in which the enemy were entirely defeated, consisting of 30,000 men of the Khokand bands.

General Kaufmann states that he awaits the arrival of troops despatched from Khodjent, and will then march against the town of Khokand.

I have, &c.,

The Earl of Derby.

W. DORIA.

(Inclosure.)—Extract from the "Journal de St. Pétersbourg" of
August 27 and 28,
 September 8 and 9, 1875.

LE Commandant-en-chef des troupes de la circonscription militaire du Turkestan, M. l'Aide-de-camp Général Kaufmann, annonce ce qui suit, dit "l'Invalide Russe," par un télégramme adressé à Sa Majesté l'Empereur, sous la date du 25 Août:—

"À notre seconde étape de Khodjent, notre détachement a fait la rencontre de la cavalerie ennemie, au nombre de 7,000 hommes, avec des coulevrines. Les Cosaques commandés par le Colonel Skobélew, Aide-de-camp de votre Majesté, et forts de 8 sotnias avec 4 pièces d'artillerie à cheval et une batterie de fuséens, ont tenu tête à l'ennemi pendant toute la journée, sans pertes de notre côté.

"Le 22 Août Dieu a accordé sa bénédiction à nos armes. Les troupes, que je commandais en personne, ont remporté une victoire complète et décisive sur les bandes Khokandes, fortes de 30,000 hommes. L'ennemi occupait une position fortifiée ayant pour point d'appui la forteresse de Mahram. La position était entourée d'un fossé rempli d'eau et soutenue par de l'artillerie. L'attaque de la position a été conduite par le Lieutenant-Général Golovatchew, à la tête de l'artillerie et d'une partie de l'infanterie. La position a été emportée à l'arme blanche. Le Commandant de la cavalerie, Colonel Skobélew, Aide-de-camp de votre Majesté, a achevé la déroute des bandes Khokandes en poursuivant vivement l'ennemi sur une distance de 15 verstes. Il l'a acculé à la Rivière Daria, où un grand nombre de Khokands ont été noyés ou taillés en pièces.

"Le Général-Major Trotsky, de la suite de votre Majesté, a été mon principal adjoint dans notre brillante campagne et dans la bataille d'hier.

"Nos trophées se composent de 39 pièces d'artillerie, d'une multitude de coulevrines et autres armes, de munitions de guerre et de vivres.

"Nos pertes sont les suivantes: 1 officier supérieur, 5 soldats et 1 djighite tués; 1 officier supérieur et 7 soldats blessés.

"Une défaite complète a été infligée à l'ennemi. L'impression produite dans le Khanat par ce combat est immense, mais on ne

saurait encore apprécier toutes les conséquences de la bataille de Mahram. J'attendrai les transports envoyés de Khodjent, et quand ils seront arrivés je marcherai sur la ville de Khokand.

“ Les troupes de votre Majesté se sont conduites avec vaillance, d'une manière brillante, et l'affaire a été menée lestement.”

Mr. Doria to the Earl of Derby.—(Received September 20.)

MY LORD, *St. Petersburg, September 15, 1875.*

THE inclosed extract which I have the honour to forward to your Lordship appeared in the “*Journal de St. Pétersbourg*” this morning.

It is taken from the official “*Gazette*” of Turkestan, and gives information as to events at Khokand. The article speaks of the advance of Russian troops against Khokand bands, and of the arrival of the deposed ruler, Khodajar Khan, at Tashkend.

I have, &c.,

The Earl of Derby.

W. DORIA.

(Inclosure.)—*Extract from the “Journal de St. Pétersbourg” of September $\frac{3}{15}$, 1875.*

Nous trouvons dans le dernier numéro de la *Gazette* (officielle) du Turkestan les renseignements suivants sur les événements du Khokand:—

“ Les bandes Khokandes ont passé notre frontière et leur présence a été signalée dans la partie est du district de Kouramine, limitrophe du Khanat de Khokand. Dans la nuit du 7 Août, le Maire d'Ablyk fit savoir qu'une bande nombreuse s'était approchée du kischlak (village) d'Ablyk, et que l'on avait aperçu dans les montagnes une autre bande de cavaliers venant du Khokand. À la réception de cette nouvelle, venue à 5 heures du matin, le Lieutenant-Général Golovatchew se dirigea de Tashkent sur Tilaou avec 4 sotnias de Cosaques et un détachement d'artillerie. À 8 heures du matin le 2^e bataillon de Chasseurs se mettait aussi en marche, suivi à 4 heures du soir par le 1^{er} bataillon de Chasseurs. Le 2^e bataillon opéra sa jonction avec les troupes du Lieutenant-Général Golovatchew au kischlak de Kandjigaly (à 15 verstes de Tilaou). Les bandes qui avaient passé notre frontière s'étaient divisées en 4 détachements.

“ Les forces ennemies se réunissent dans les possessions Khokandes, non loin de nos frontières, à Mahram et sur le Bisch-Aryk, et l'on fortifie la ville de Khokand.

“ Le Khan déposé, Khoudoïar, arriva avec toute sa suite à Tashkent le 8 Août et fit le même jour une visite au Gouverneur-Général, qui la lui rendit le lendemain.

“Le 11 Août on reçut à Tashkent un rapport du Lieutenant-Général Golovatchew annonçant que nos troupes ont battu une bande Khokande forte de 5,000 hommes et qui avait envahi nos frontières en descendant des montagnes dans la vallée d'Angren. L'ennemi avait pris la fuite et repassé la frontière. Il était poursuivi par les Cosaques. Nous n'avons point eu de pertes dans cet engagement.”

Mr. Doria to the Earl of Derby.—(Received October 4.)

MY LORD,

St. Petersburg, September 18, 1875.

As instructed by your Lordship in your despatch of the 30th ultimo, I took the opportunity to mention to Baron Jomini that the Viceroy of India had counselled the Ameer of Afghanistan to proffer to the Téké tribe the advice to release the Russian prisoner who is said to be in their hands.

Baron Jomini evinced a lively satisfaction at the communication, and asked if I could favour him with a copy of your Lordship's despatch, as he wished to send it to-morrow to the Emperor, who has left St. Petersburg for the Crimea. “His Imperial Majesty,” his Excellency added, “will be gratified at the friendly act, and if he were present I should not ask for a copy of the despatch.”

Baron Jomini remarked upon the word “prisoner” being in the singular, stating there were several. I replied it was perhaps by inadvertence that an “s” had been omitted.

I hope under these circumstances that your Lordship will not disapprove my having complied with his Excellency's request.

I have, &c.,

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received October 4.)

MY LORD,

St. Petersburg, September 24, 1875.

I HAVE the honour to inclose to your Lordship an extract from the “St. Petersburg Journal” of the 17th instant, giving details of events after the battle of Mahram.

Khan Yadé Nassereddin Beg, the new Ruler of Khokand, had gone to meet General Kaufmann, giving assurances of “his devotion and submission” to the Emperor Alexander.

I have, &c.,

The Earl of Derby.

W. DORIA.

(Inclosure.)—Extract from the “Journal de St. Pétersbourg” of September $\frac{5}{17}$, 1875.

“L'INVALIDE RUSSE” publie aujourd'hui, 4 Septembre, la communication suivante:—

“ Des télégrammes du Commandant-en-chef de la circonscription militaire du Turkestan, datés du 2 et 3 Septembre, annoncent qu’après la bataille de Mahram nos relations avec le Khokand ont pris une tournure pacifique. Au mouvement en avant de nos troupes le nouveau Khan du Khokand, Khan-Zadé, est venu à la rencontre de l’Aide-de-camp Général Kaufmann, en faisant des protestations de soumission et de dévouement à Sa Majesté l’Empereur, et en protestant de sa complète innocence quant à l’invasion des bandes Khokandes dans les possessions Russes.

“ Les habitants de la ville de Khokand ont aussi fait leur soumission, et leur exemple a été immédiatement suivi par le Sultan Mourad-Bek et les habitants de la ville de Margolan.

“ Arrivées sous les murs de Khokand, nos troupes y ont établi un camp, où elles se trouvaient à la date des dernières nouvelles. L’état sanitaire des troupes est bon.

“ Le 31 Août le Commandant-en-chef de nos troupes a reçu d’Abdourahman-Avtobatchi une lettre déclarant qu’après la victoire remportée par les Russes sur les Musulmans, l’auteur de la lettre et les représentants de toutes les tribus nomades du Khokand demandent qu’on leur accorde la sécurité dont jouissent les habitants de la ville de Khokand et de tout le territoire traversé par les troupes Russes depuis Mahram jusqu’à la ville de Khokand. À cette lettre sont apposés 70 sceaux, tenant lieu des signatures.”

Mr. Doria to the Earl of Derby.—(Received October 4.)

MY LORD,

St. Petersburg, September 27, 1875.

I TOOK the opportunity this evening to communicate to Baron Jomini the substance of your Lordship’s despatch of the 20th instant, relative to the intention of the Ameer of Afghanistan to send a force to subjugate Maimena. In carrying out your Lordship’s instructions I took care to mark that your Lordship desired it to be understood that the communication was made solely to denote a friendly transmission of intelligence.

Baron Jomini acknowledged it as such, and replied that the British Government were in no wise called upon to convey this information, but that he appreciated the communication, which prevented also the intelligence being received and giving rise to suspicion or surmise. His Excellency further remarked that Russia had ceded her pretensions to Maimena in behalf of the Ameer of Afghanistan at England’s instance, that it bordered close on Turkestan, but no objection could be made so long as the Ameer loyally kept his action to enforcing the tranquillity of Maimena.

I have, &c.,

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received October 18.)

MY LORD,

St. Petersburg, October 6, 1875.

BARON JOMINI read to me a paragraph from a despatch from Krasnovodsk, in which it was stated that the Ameer of Afghanistan was said to be intriguing and exciting ill-feeling among the Turkoman tribes near Merv, which, his Excellency added, is very desirous should be avoided; and he reverted to the communication which, in pursuance of an instruction from your Lordship, I had recently made to his Excellency, of the friendly advice proffered by the Government of India to the Ameer of Afghanistan; the despatch was written from Krasnovodsk on the 24th July last, to which Baron Jomini made reference.

I promised to acquaint your Lordship without delay with the circumstance as reported.

I have, &c.,

The Earl of Derby.

W. DORIA.

Mr. Doria to the Earl of Derby.—(Received October 18.)

MY LORD,

St. Petersburg, October 13, 1875.

I HAVE the honour to inclose to your Lordship a copy of General Kaufmann's Proclamation issued to the people of Khokand, published in the "St. Petersburg Journal" this morning. The Proclamation calls upon the people to remain peaceably occupying themselves in business, then they will have nothing to fear from Russia. The concluding paragraph states that the ex-Khan, Khodajir Khan, has been sent to St. Petersburg, and will not return to be their Ruler.

I have, &c.,

The Earl of Derby.

W. DORIA.

P.S.—Baron Jomini has informed me that Khodajir Khan, the deposed Ruler of Khokand, is by the Emperor's command to remain at Orenburg, and not to be brought to St. Petersburg.

W. D.

(Inclosure.)—Extract from the "Journal de St. Pétersbourg" of October $\frac{1}{13}$, 1875.

DANS une correspondance du camp Russe devant la forteresse Khokande de Mahram, datée du 25 Août, et insérée dans la "Voix," nous trouvons le texte suivant de la Proclamation de son Excellence l'Aide-de-camp Général Kaufmann aux populations du Khanat de Khokand :—

"Peuple Khokand, Sartes, Kiptchaks, Kara-Kirghizes, et tous les ci-devant sujets de Khoudoïar Khan !

"Quelques ambitieux dont je tairai les noms vous ont provoqués à une guerre religieuse ('hazivat') contre les Russes. Ce 'hazivat' n'a pas de sens. Une guerre contre le Tsar Blanc, dispensateur de

la paix et de la prospérité de tous les peuples soumis à son pouvoir, est une iniquité, et Dieu sera toujours contre ceux qui prennent les armes contre les Russes. Demandez aux Sartes, aux Kirghizes, sujets du grand Tsar Blanc, s'ils se sentent tranquilles et heureux sous l'égide de sa gracieuse protection. Demandez-leur si on les empêche de prier selon la loi d'Islam. Moi, qui suis revêtu des pleins-pouvoirs du Tsar Blanc, et qui gouverne par son ordre les populations du Turkestan, je puis vous affirmer que nos Sartes et nos Khirghizes prospèrent, s'enrichissent et jouissent d'une paix et d'une sécurité complètes. Le grand Tsar Blanc ne viole jamais le schariat, son Gouvernement est basé sur la justice et la loi.

“Quant à vos ambitieux, qui vous ont poussés à une guerre contre les Russes, ils l'ont fait, non pour votre bien, mais uniquement pour se saisir du pouvoir. Pour le mal qu'ils vous ont fait, vous devez vous saisir de leurs personnes et me les livrer. Je suis venu chez vous avec mes troupes pour punir ceux qui vous ont excités à une guerre contre les Russes. Les armées Russes ne font pas de mal aux gens désarmés, mais ceux qui seront trouvés les armes à la main seront punis par mes ordres. Déposez donc les armes, retournez dans vos foyers pour vous occuper de vos affaires, et alors aucun Russe ne vous fera de mal, ne touchera à votre bien; pour tout ce qui sera nécessaire aux troupes et ce qu'elles vous prendront, vous serez payés en argent. Telle est notre loi à nous, Russes; les armées du grand Tsar Blanc n'en agissent jamais autrement.

“Votre ancien Khan a été envoyé, par mes ordres, de Taschkent à Pétersbourg; il ne redeviendra plus votre Souverain, car il m'est connu que Khoudoïar Khan n'avait pas l'affection du peuple Khokand.

“KAUFMANN, *le Gouverneur-Général et Commandant-en-chef des Troupes, Aide-de-camp Général.*

“Bivouac de Mahram, le 22 Août, 1875.”

The Earl of Derby to Mr. Doria.

SIR, *Foreign Office, October 25, 1875.*

I TRANSMIT to you herewith a copy of a despatch from Prince Gortchakow,* which has been communicated to me by the Russian Ambassador, declaring the intention of the Emperor of Russia not to extend the frontiers of Russia beyond their present limits in Central Asia, either on the side of Bokhara or on that of Krasnovodsk and the Attrek, and inclosing a Memorandum reviewing the correspondence which has passed on the subject of Central Asia between the British and Russian Governments.

Her Majesty's Government highly appreciate the friendly sentiments which have dictated the language used in Prince Gortchakow's despatch and in the Memorandum, and they feel that they cannot better reply to them than by a frank explanation of certain of the more important portions of the correspondence adverted to, upon which it would appear that the views and intentions of Her Majesty's Government have been imperfectly appreciated.

With this object I inclose a Memorandum, which I have to instruct you to communicate to the Russian Government, in the same friendly manner in which the Memorandum forwarded by Prince Gortchakow was communicated to Her Majesty's Government, and to explain, in doing so, that the remarks contained in it are not offered in any spirit of controversy, but in the cordial desire to meet the evident wish of His Imperial Majesty the Emperor of Russia that no cause for misapprehension should exist in regard to the policy and intentions of the two Governments.

I am, &c.,

W. Doria, Esq.

DERBY.

(Inclosure.)—Memorandum.

HER Majesty's Government have given their careful consideration to the Memorandum on Russian policy in Central Asia which formed the inclosure to Prince Gortchakow's despatch to Count Schouvaloff of the 5th of April last.

In thus presenting for examination an historical review of the communications which have passed between the Governments of Russia and England, and in reviewing a statement of their sentiments and policy on this important question, Her Majesty's Government gladly recognize the desire of the Imperial Government to avert cause of future misunderstanding by a friendly interchange of views.

Her Majesty's Government feel that they will best respond to the wishes of the Imperial Government in addressing to them this communication, by calling attention to certain statements and passages in the Memorandum which appear to Her Majesty's Government not to correspond with their appreciation of past transactions, or with the understanding which it is alike the interest of both Governments to keep in view.

In these observations Her Majesty's Government desire to avoid all reference to points of minor importance, and will confine themselves to those questions upon which it is obviously necessary that no obscurity or misapprehension should be allowed to exist on either side.

The Memorandum refers to an agreement of opinion between the Chancellor of the Empire and Lord Clarendon, on the occasion

of their interview at Heidelberg in 1869, "founded on the maintenance by Russia and England of an intermediary zone," destined to separate their Asiatic possessions; adding that in "this order of ideas it was understood that Afghanistan should form an independent State which should remain outside the sphere of Russian action."

The interview in question took place after confidential communications between Lord Clarendon and Baron Brunnow, at that time Russian Ambassador in London, on the same subject.

It appears from the correspondence which took place at this period, that the "intermediary" zone, then under consideration, was intended on both sides to be at the same time a "neutral" zone; and from this point of view Lord Clarendon distinctly informed Baron Brunnow, in April 1869,* while thanking the Russian Government for the friendly feelings which had dictated the communication, that, in the opinion of the Secretary of State for India, "Afghanistan would not fulfil those conditions of a neutral territory which it was the object of the two Governments to establish, as the frontiers were ill-defined; and if the Russian forces advanced to those frontiers, disputes with the Chiefs on the border would sooner or later, but infallibly, ensue, and Russia might be compelled, however unwillingly, to disregard the arrangement she had entered into; and it was, therefore, thought advisable to propose that the Upper Oxus, which was south of Bokhara, should be the boundary line, which neither Power should permit their forces to cross. This would leave a large tract of country apparently desert, and marked on the map as belonging to the Khan of Khiva, between Afghanistan and the territory already acquired by Russia, and, if agreed to, would, it might be hoped, remove all fear of future dissension."

This proposal, as is correctly stated in the Memorandum, was declined by the Imperial Government, on the ground that it gave an extension to the frontiers of Afghanistan, which they could not admit; and this negative answer put an end to the confidential communications between the Russian Ambassador and Lord Clarendon, on the question of a "neutral zone."

But the Memorandum goes on to say that, after being definitively closed in London, this question was reopened at St. Petersburg by Mr. Forsyth, on the occasion of his visit in 1869, and that, as a result of the exchange of views between that functionary and the Imperial Cabinet, it was "agreed:"

1. That the territories in the actual possession of Shere Ali should be considered as forming the limits of Afghanistan.

2. That the Ameer should not seek to exercise any influence or

any interference beyond those limits, and that the English Government should use every means to restrain him from any aggressive attempt.

3. That on its side the Imperial Government would employ all its influence to restrain the Ameer of Bokhara from making any attack on Afghan territory.

On this statement Her Majesty's Government think it desirable to remark that whatever may have been the nature of the personal communications between Mr. Forsyth and the Imperial Cabinet, it formed no part of his instructions to reopen the question of a "neutral zone," nor does it appear that in the general agreement of opinion under the 3 heads cited above was this question in any way involved.

So far as Her Majesty's Government are concerned, the idea of a "neutral zone" was definitively abandoned at the time of Lord Clarendon's communication in April, 1869, as one which, upon close examination, had been found to be wholly incompatible with the object which both Governments alike had in view throughout these discussions.

The discussions which took place in the succeeding years as to the delimitation of the frontiers of Afghanistan, happily terminated by the "full and entire" adhesion of the Imperial Cabinet in their despatch of the 19th January, 1873,* to the line of demarcation proposed by Lord Granville in his despatch of October, 1872,† had exclusive reference to the recognition of Afghanistan as an independent State which should remain external to the action of Russia.

Her Majesty's Government insisted on including Badakshan and Wakhan within the limits of Afghanistan, because such delimitation was, in their view, strictly in accordance with historical facts, and therefore necessary in order to satisfy the legitimate claims of the Ameer.

Her Majesty's Government have always cordially acknowledged the friendly and conciliatory course taken by the Imperial Cabinet in accepting the views thus set forth by Great Britain, and in thus removing, it is hoped, the only remaining obstacle to a complete understanding between the two Governments with respect to the position of Afghanistan. But it is apparent from the résumé of the agreement given at the close of the Memorandum, and the paragraphs which follow, that the Imperial Cabinet is of opinion that in arriving at an understanding with respect to Afghanistan, the common policy of the two Governments has been completely fulfilled, and that it is a part of such understanding that entire liberty of action is left to Russia in all the territories lying between her own frontier and that of Afghanistan.

* Vol. LXIII. Page 767.

† Vol. LXIII. Page 743.

It is with reference to this opinion that it is essential that the views of Her Majesty's Government should be clearly explained.

The point of departure of the two Governments in exchanging their views was the mutual desire to arrive at some common understanding as to the best means of preventing the contact of their respective possessions in Central Asia.

Various combinations were proposed and discussed with this object,—the creation of a neutral zone, the delimitation of frontiers, the recognition of the Oxus as a line which neither Power should permit their forces to cross, the maintenance of Afghanistan and Bokhara as independent States, the former under British and the latter under Russian influence.

This last combination, as represented in the Memorandum under consideration, appears to be the only form of an arrangement with regard to which any definite understanding has been found practicable, and Her Majesty's Government have always fully appreciated the conciliatory spirit in which this question has been approached by the Russian Government.

But it is obvious that the settlement made with respect to Afghanistan can only partially effect the object which the two Governments desired to attain, namely, that of averting possible causes of future collision between them.

Her Majesty's Government fully accept the assurances of the Imperial Cabinet as to the extension of the southern frontiers of Russian territory ; but they equally admit the force of the arguments which have been advanced to explain the repeated annexations which, in spite of these assurances, have taken place.

However sincere, therefore, the desire of the Russian Government to avoid future extension of territorial responsibilities, Her Majesty's Government cannot regard the present line of Russian frontier as fixed and immovable. The recurrence of similar causes may lead to similar results, and Her Majesty's Government could not regard with indifference, and as a matter with which they have no concern, further occupation and absorption by Russia of the regions which still separate Afghanistan from the Russian territory.

The grounds of the apprehensions entertained by Her Majesty's Government on this subject have been so fully stated on former occasions that it is only necessary now to refer to previous communications, and particularly to Lord Granville's despatch to Lord A. Loftus of the 7th January, 1874,* which discusses them at length.

Whatever may be the ultimate destiny of Russia in the course of its civilizing mission in Central Asia, it is impossible not to see that, in view of the present conditions of the Turkoman tribes, of

* Vol. LXV. Page 87.

the relations in which they stand to the Ruler of Afghanistan on the one hand, and those between that Ruler and the Government of India on the other, that each successive advance of the Russian frontier towards Afghanistan may involve complications which it is equally the interest of both England and Russia to avoid, and may raise up the most serious obstacles to the continued pursuance of the policy which has hitherto guided both Powers alike to maintain intact the integrity of Afghan territory.

This is an object to which Her Majesty's Government attach the highest importance, and they must reserve to themselves the most complete liberty of action under all future contingencies as to the measures which may, in their opinion, be necessary to secure it. They cannot but feel that such an event, for instance, as the occupation of Merv, which would bring the line of Russian territory into direct contact with Afghan territory, would arouse the susceptibilities of the Ameer to the highest degree, and possibly involve him in a common course of defensive action with the Turkoman tribes upon his borders. Under such circumstances it is unnecessary to observe how difficult it might be for the Imperial Government to maintain a policy of strict abstention in accordance with its present assurances, or how impossible it might be for Her Majesty's Government to exert any effectual control over the actions of the Ameer, without undertaking responsibilities which they would most reluctantly assume, and which would virtually involve the very result which both Governments desire to avert, viz., the contact of the two Powers in Central Asia.

Whatever may be the desire of both Governments to act in concert in bringing the agencies of civilization to bear upon the wild and predatory races of the regions which separate their dominions, the time has not arrived when such a co-operation could be made intelligible to the rulers and people of the Khanates.

The presence of two centres of European power and influence in their midst would wear in their eyes an aspect of mutual menace and rivalry, and encourage hopes and speculations unfavourable to the growth of the relations between England and Russia which are an important condition of success in the task on which both are engaged, each in their separate sphere, of maintaining order and promoting civilization in their Asiatic possessions.

Nor can it be denied that the atmosphere of suspicion, intrigue, and discord which would surround the military authorities of both Powers might at any time provoke an attitude of reciprocal distrust which might frustrate the wishes and defeat the deliberate policy of their respective Governments, and react perniciously on the public opinion of Russia on the one hand, and of England and India on the other.

It is for these reasons that Her Majesty's Government have always deprecated the further extension of Russian territory towards the Afghan borders, and that they have now received with the most sincere satisfaction the assurances conveyed in Prince Gortchakow's despatch as to the enlightened conviction of His Imperial Majesty that such extension, either on the side of Bokhara, of Krasnovodsk, or of the Attrek, is contrary to Russian interests, and that formal orders have been given that all future action in those regions is to be strictly confined to the defence of existing limits and the protection of property and commerce from pillage and brigandage.

Lord A. Loftus to the Earl of Derby.—(Received November 1.)

MY LORD,

St. Petersburg, October 27, 1875.

BARON JOMINI informed me yesterday that the Government had received intelligence of the deposition by his subjects of Nasr Eddin, the Khan of Khokand, lately installed by the Russian Governor-General of Turkestan, and that he had fled with a few followers to Khodjent.

Baron Jomini added that the previous Khan had carried off with him a large amount of treasure, but that Nasr Eddin had reached Khodjent without property of any kind.

I have, &c.,

The Earl of Derby.

AUGUSTUS LOFTUS.

Lord A. Loftus to the Earl of Derby.—(Received November 15.)

MY LORD,

St. Petersburg, November 9, 1875.

I HAVE the honour to acknowledge the receipt, on the 1st instant, of your Lordship's despatch of the 25th ultimo, transmitting copy of a despatch from Prince Gortchakow, accompanied by a Memorandum, reviewing the correspondence which has passed on the subject of Central Asia between the British and Russian Governments, which had been communicated to your Lordship by the Russian Ambassador.

On the following day I waited on Baron Jomini, when I read to him your Lordship's despatch, and placed in his hands, in conformity with your Lordship's instructions, a copy of the Memorandum in reply to the Memorandum communicated to your Lordship by Count Schouvaloff. In doing so I fully explained to his Excellency that Her Majesty's Government highly appreciated the friendly sentiments expressed in Prince Gortchakow's despatch and in the Russian Memorandum, and that the remarks in the Memorandum which I placed in his hands were not offered in any spirit of controversy, but with a cordial desire to meet the wish of His Imperial Majesty that no cause for misapprehensions should exist in regard to the policy and intentions of the two Governments.

Baron Jomini expressed his appreciation of the conciliatory and courteous sentiments contained in your Lordship's despatch, and observed that by this frank and friendly exchange of opinions the interests of both countries could best be served.

In order that his Excellency might accurately convey to the Emperor the sentiments expressed in your Lordship's despatch I left that despatch in his hands.

Baron Jomini informed me yesterday that, on reading the Memorandum I had placed in his hands, he was happy to observe that all points which might give rise to sterile discussion had been omitted, and he again expressed his great satisfaction at the friendly tone and the conciliatory spirit in which the sentiments of Her Majesty's Government had been conveyed.

Baron Jomini stated that he had forwarded a copy of your Lordship's despatch, and of the Memorandum, to the Emperor at Livadia, and awaited His Majesty's orders in regard to the reply, which will be communicated to your Lordship by Count Schouvaloff, and the draft of which he had submitted to His Majesty.

I have, &c.,

The Earl of Derby.

AUGUSTUS LOFTUS.

PROCLAMATION by the President of the United States removing Discriminating Duties against Merchandize imported in French Vessels.—Washington, September 22, 1873.

By the President of the United States of America,

A PROCLAMATION.

WHEREAS satisfactory evidence was given me on the 13th day of September current, by the Marquis de Noailles, Envoy Extraordinary and Minister Plenipotentiary from the French Republic, that on and after the 1st day of October next merchandize imported into France in vessels of the United States, from whatever country, will be subject to no other duties or imposts than those which shall be collected upon merchandize imported into France from countries of its origin or from any other country in French vessels :

Now, therefore, I, Ulysses S. Grant, President of the United States of America, by virtue of the authority vested in me by law, do hereby declare and proclaim that on and after the 1st day of October next, so long as merchandize imported into France in vessels of the United States, whether from the countries of its origin or from other countries, shall be admitted into the ports of France on the terms aforesaid, the discriminating duties heretofore levied upon

merchandize imported into the United States in French vessels, either from the countries of its origin or from any other country, shall be and are discontinued and abolished.

In testimony whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington, this 22nd day of September, in the year of Our Lord 1873, and of the independence of the United States of America the 98th.

By the President, U. S. GRANT.
J. C. BANCROFT DAVIS, *Acting Secretary of State*.

DECLARATION between Italy, Germany, and Switzerland, relative to the Transit through Switzerland of Persons surrendered under the Extradition Treaty between Italy and Germany of October 31, 1871.—Berlin, July 25, 1873.*

ENTRE le Gouvernement Royal d'Italie et le Gouvernement Impérial d'Allemagne d'une part, et le Conseil Fédéral Suisse, autorisé à cet effet par les Gouvernements des Cantons respectifs, d'autre part, ont été arrêtées les règles suivantes relativement au transport, par le territoire Suisse, des individus dont l'extradition aura été accordée, en exécution de la Convention d'Extradition conclue entre l'Allemagne et l'Italie le 31 Octobre, 1871 :—

ART. I. Les individus dont l'extradition aura été accordée par l'Empire Allemand à l'Italie seront, après annonce préalable, livrés à Bâle, à Schaffhouse, à Romanshorn, ou à Rorschach, aux mains de la police Suisse, laquelle se chargera de les accompagner et de les remettre, soit à la Préfecture Italienne à Como, soit à la Douane sur le Splügen, soit à la station des Carabiniers Royaux ou à la Douane de Cannobio.

Pour ce qui concerne les individus dont l'extradition aura été accordée par l'Italie à l'Empire Allemand, ils seront, après annonce préalable, livrés, soit à la police du Canton du Tessin à Chiasso ou à Magadino, soit à la police du Canton des Grisons dans le village de Splügen. La police Suisse se chargera de les accompagner et de les remettre, soit aux autorités Allemandes de police à St. Louis, Friedrichshafen, ou Lindau, soit aux autorités judiciaires (Amtsgerichte) à Lörrach, Waldshut, ou Constance.

Il sera toujours loisible au Gouvernement qui aura accordé l'extradition, aussi bien qu'à celui qui l'aura demandée, de faire accompagner par un de ses officiers les malfaiteurs que les agents Suisses sont chargés de conduire et de remettre à la frontière.

II. Les autorités Allemandes ou Italiennes feront remettre à la police Suisse, en même temps que l'individu extradé, un ordre de transport délivré selon l'un ou l'autre des deux formulaires *A* ci-annexés, où seront indiqués exactement le signalement du criminel, le crime ou le délit pour lequel il a été condamné ou dont il est inculpé, l'autorité à laquelle il devra être remis, et, si cela se peut, la station frontière à laquelle doit s'opérer l'extradition.

Si la police du Gouvernement qui accorde l'extradition croit qu'il est nécessaire de prendre à l'égard du détenu des précautions spéciales, il ne suffira pas de les communiquer verbalement aux autorités Suisses, mais on devra en faire l'objet d'une mention particulière dans l'ordre de transport.

III. Tous les frais de transport, d'entretien et de surveillance des individus à transférer, ainsi que les dépenses pour escorte de police, mesures spéciales de sûreté, télégrammes, &c., seront remboursés, au moment où l'extradition aura lieu, au fonctionnaire Suisse qui aura fait la remise des malfaiteurs, par le fonctionnaire Allemand ou Italien auquel ils auront été remis.

Dans ce but, chaque station de police inscrira sur l'ordre de transport, d'après l'un ou l'autre des deux formulaires *B* ci-annexés, la note des frais qu'elle aura supportés; cet ordre de transport sera remis acquitté avec l'individu extradé.

De même, les cantons respectifs régleront, au moment où la remise des malfaiteurs aura lieu, les frais occasionnés par leur transport.

IV. Le transit par le territoire Suisse ne sera jamais autorisé pour le transport des ressortissants Suisses, ni pour les prévenus de délits politiques, de quelque pays qu'ils soient originaires.

V. Si l'un des individus transportés n'est pas accepté à la frontière par l'autorité Allemande ou Italienne, quel qu'en soit le motif, il sera renvoyé à l'autorité-frontière par laquelle l'ordre de transport a été délivré, et les autorités de l'État d'où il vient seront tenues de reprendre cet individu, et de rembourser aux agents Suisses qui en feront la remise tous les frais de transport, aller et retour.

En foi de quoi, les Soussignés, dûment autorisés à cet effet, ont signé en triple expédition la présente Déclaration, qui entrera en vigueur un mois après la date ci-dessous, et qui cessera d'être en vigueur un mois après que la dénonciation en aura été faite par une des parties déclarantes.

Berlin, le 25 Juillet, 1873.

LAUNAY.

BALAN.

HAMMER, *Colonel*.

ROYAUME D'ITALIE.

Formulaire A.

Province de

Signalement du détenu

Age, années

Stature, mètre

Taille

Teint

Cheveux

Barbe

Front

Yeux

Bouche

Marques particulières

Vêtements du détenu

Exempt de maladies
cutanées et de vermine

Conduit par l'agent

Objets appartenant au
détenu*Annotations.*Par exemple : précau-
tions spéciales pour le
transport.

ORDRE DE TRANSPORT.

fils

né à

détenu dans les prisons

doit être consigné au

l'extradition en ayant été accordée au Gouverne-
ment Impérial Germanique

il devra être traduit à

et là consigné à la police Suisse afin qu'elle le remette
à son tour à laLes autorités à qui cela appartient sont priées de
pourvoir à la traduction et à la remise requises
comme ci-dessus.

(Sceau.)

Formulaire A.

EMPIRE ALLEMAND.

État _____*Cercle* _____ *Ville* _____ *Autorité* _____*Ordre de Transport.*

SIGNALEMENT.

Age
Taille
Corpulence
Visage
Teint
Cheveux
Front
Sourcils
Yeux
Nez
Bouche
Joues
Dents
Menton
Barbe
Signes particuliers

Vêtements

Exempt de maladies
cutanées et de vermine

Conduit par l'agent

Effets de l'individu ex-
tradé*Observations particu-
lières :*Par exemple : précau-
tions spéciales pour le
transport.

Le nommé _____

de _____

qui est condamné ou accusé par le _____

_____ du Royaume d'Italie de _____

_____ pour crime ou délit de _____

sera livré à la dite autorité.

Les autorités respectives sont priées de prendre
les mesures nécessaires pour le transport de cet
individu, qui devra être remis à la police Suisse de
_____ et livré par

celle-ci à la _____

Italienne de _____ Départ de _____

_____ le _____ 187

Signature _____

Formulaire B.

LIQUIDATION

*des frais et débours occasionnés aux autorités Suisses par le transport
du nommé _____ de _____.*

| Objet des frais et débours. | Époque du déboursement. | Montant des frais et débours. | Quittance. |
|--------------------------------|----------------------------|----------------------------------|------------|
| | | | |

Formulaire B.

COMPTE DES DÉPENSES

faites par les autorités Suisses pour la traduction de _____

| Objet des frais et débours. | Époque de déboursement. | Montant des frais et débours. | Quittance. |
|--------------------------------|----------------------------|----------------------------------|------------|
| | | | |

*LOI de la République Française, sur les Sucres.—Versailles, le
29 Juillet, 1875.*

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. L'exercice des raffineries prescrit par la Loi du 21 Mars, 1874, ne sera mis en pratique qu'au 1^{er} Mars, 1876.

2. Le régime actuel des sucres, tel qu'il est réglé par les lois des 7 Mai, 1864, 8 Juillet, 1871, 22 Janvier, 1872, 30 Décembre, 1873, et par la Convention du 8 Novembre, 1864,* avec les modifications qui y ont été introduites, est prorogé jusqu'au 1^{er} Mars, 1876.

3. Dans le cas où la nuance des sucres paraîtrait ne pas correspondre à leur richesse effective, le service provoquera l'expertise légale, et les commissaires experts devront recourir, pour le classement définitif, aux procédés saccharimétriques. De son côté, le fabricant ou l'importateur aura la faculté de déclarer la classe à laquelle appartiennent les sucres d'après leur richesse effective, toutes les fois que cette richesse ne sera pas en rapport avec la nuance.

* Vol. LIV. Page 29.

Délibéré en séance publique, à Versailles, le 29 Juillet, 1875.

duc d'AUDIFFRET-PASQUIER, *President.*

FÉLIX VOISIN, E. LAMY, T. DUCHÂTEL, LOUIS DE SÉGUR,
Secrétaires.

Le Président de la République promulgue la présente Loi.*

MAL. DE MACMAHON, DUC DE MAGENTA.

LÉON SAY, *Ministre des Finances.*

C. DE MEAUX, *Ministre de l'Agriculture et du Commerce.*

*LOI de la République Française, sur le Régime des Sucres.—
Versailles, le 30 Décembre, 1875.*

L'ASSEMBLÉE Nationale a adopté la Loi dont la teneur suit :—

ART. 1. À partir du 1^{er} Mars, 1876, les droits sur les sucres livrés à la consommation seront établis ainsi qu'il suit, décimes et demi-décime compris :

| Sucres de toute origine— | Par 100 kilog. Fr. c. |
|---|--------------------------|
| Raffinés.—Candis, en pains, en poudre, tapés, en grains cristallisés suivant type, ou agglomérés | 73 50 00 |
| Bruts en poudres blanches et tous autres ; vergeoises .. pour chaque degré de richesse absolue. | 0 71 50 |
| Mélasses des fabriques, des raffineries et des Colonies Françaises | 10 00 00 |

L'impôt intérieur sur les glucoses est porté à 20 francs par 100 kilogrammes.

2. Sont exonérées de tout droit les glucoses et les mélasses exportées et celles qui sont employées dans la fabrication de produits non-alimentaires, ou transformées en produits soumis à un impôt.

Un règlement d'administration publique déterminera les conditions auxquelles est subordonnée la franchise accordée par le précédent paragraphe.

3. Le régime spécial établi à l'égard des sucres provenant de mélasses traitées par les procédés barytiques et autres est supprimé.

4. Ne sont considérés comme mélasses que les résidus liquides de la fabrication et du raffinage des sucres.

Sont assimilées aux sucres bruts les matières contenant plus de 53 pour cent de sucre cristallisable ou ayant plus de 70 pour cent de richesse absolue (glucose comprise), et dont la densité, à la température de 15 degrés centigrades, n'est pas au moins de 13 cent 93 grammes par litre (quarante degrés de l'aréomètre de Baumé).

5. Les sucres bruts destinés aux raffineries sont préalablement imposés au minimum, d'après leur rendement présumé au raffinage ;

* Promulguée au " Journal Officiel " du 1^{er} Août, 1875.

ce rendement est calculé conformément aux bases que déterminera un règlement d'administration publique.

La perception est opérée à raison de 63 francs 50 centimes par 100 kilogrammes de raffiné, soit dans les bureaux de douanes, soit dans les bureaux des contributions indirectes, selon l'origine des sucres.

Les sommes ainsi encaissées sont définitivement acquises au trésor, quel que soit le résultat final du raffinage.

6. Les droits acquittés en exécution du précédent Article peuvent faire l'objet de traites cautionnées à deux mois ou à quatre mois d'échéance, au choix des soumissionnaires.

Le montant des traites à deux mois d'échéance n'est pas passible d'intérêt. Pour les traites à quatre mois l'intérêt n'est dû que pour deux mois.

La remise spéciale exigible en vertu de l'Article 3 de la Loi du 15 Février, 1875, ne peut dépasser un tiers de franc pour cent pour les traites à quatre mois et un 6^{me} de franc pour cent pour les traites à deux mois.

7. À la sortie des raffineries, les droits sur les sucres expédiés à toute destination sont définitivement liquidés d'après le tarif édicté par l'Article 1^{er} de la présente Loi.

Le montant de cette liquidation est imputé, jusqu'à due concurrence, sur les droits préalablement perçus en exécution de l'Article 3, et dont l'expéditeur aura été crédité.

Quand les droits liquidés à la sortie dépassent le compte créditeur, le reliquat est payé au comptant ou garanti par des traites souscrites dans les conditions de la Loi du 15 Février, 1875.

Les droits applicables aux mélasses imposables livrées à la consommation sont payés ou garantis de la même manière.

À la sortie des raffineries, les sucres candis donnent lieu à la délivrance de certificats spéciaux, sur la représentation desquels le rendement applicable aux sucres bruts ultérieurement introduits dans les raffineries est atténué d'une quantité égale à 7 pour cent du poids des sucres mentionnés dans ces certificats.

8. Le régime de l'admission temporaire, créé par l'Article 5 de la Loi du 7 Mai, 1864, est supprimé.

À l'exportation des sucres raffinés, le service des douanes délivre un certificat de sortie qui en constate la nature, le poids et la richesse saccharine.

Les certificats de sortie n'ayant pas plus de deux mois de date sont admis en compensation soit dans le paiement des droits sur les sucres, soit dans le paiement des traites souscrites en vertu de l'Article 6, pour une somme équivalente à l'impôt qu'auraient payé les produits exportés, s'ils avaient été livrés à la consommation.

9. Des règlements d'administration publique déterminent les obligations des fabricants et des raffineurs et les différentes con-

ditions de l'exercice, suivant qu'il s'agit des raffineries, des fabriques-raffineries, des fabriques de sucre et des établissements dans lesquels on extrait le sucre des mélasses.

Ces règlements fixent le minimum des rendements obligatoires, les conditions et les formalités relatives à l'enlèvement et à la circulation des sucres et des matières sucrées.

Ils déterminent, en outre, les produits qui peuvent être reçus dans les fabriques, dans les raffineries, dans les raffineries annexées à des fabriques et dans les autres établissements exercés, ceux qui peuvent en être expédiés, ainsi que les caractères distinctifs de ces produits et les procédés à l'aide desquels est constatée la richesse des sucres et des matières sucrées.

Un règlement d'administration publique déterminera également les droits dont il y aurait lieu de tenir compte aux raffineurs pour les sucres libérés d'impôt existant dans les raffineries au jour de l'application de l'exercice dans ces usines.

10. Toute infraction aux dispositions de la présente Loi et aux règlements d'administration publique rendus pour son exécution, toute fausse énonciation dans les déclarations exigées par les dits règlements, donnent lieu à l'application des peines prononcées par l'Article 3 de la Loi du 30 Septembre, 1873, sans préjudice des dommages et intérêts qui peuvent être alloués au trésor.

Est puni des mêmes peines l'emploi de tout procédé ayant pour objet de déguiser la richesse du sucre ou de tromper sur son poids.

11. Les raffineurs payent le même droit de licence que les fabricants de sucre.

12. Toutes les dispositions contraires à la présente Loi sont abrogées.

Disposition Alternative.

13. Dans le cas où la Convention sucrière signée à Bruxelles, le 11 Août, 1875,* ne serait pas ratifiée, et tant qu'elle ne sera pas ratifiée, la perception de l'impôt, après le 1^{er} Mars, 1876, continuera à être effectuée conformément à la Loi du 29 Juillet, 1875.†

14. Ce cas échéant, et toujours à partir du 1^{er} Mars, 1876, lorsqu'il y aura lieu, conformément à l'Article 3 de la Loi précitée, de recourir à la saccharimétrie, le classement des sucres s'opérera d'après le tableau ci-après :

A. Payement des Droits de Consommation.

Sont classés au-dessous du No. 13 de la série des types de Paris les sucres titrant moins de 91 degrés ;

Du No. 13 inclus au No. 20 inclus, les sucres titrant de 91 degrés à 98 degrés exclusivement ;

Parmi les poudres blanches, les sucres titrant 98 degrés ou plus.

* Page 1070.

† Page 1121.

B. Régime de l'Admission Temporaire.

La première classe (15 à 18 inclus) comprend les sucres titrant 92 inclus à 98 exclusivement ;

La deuxième classe (10 à 14 inclus), les sucres titrant 85 inclus à 92 exclusivement ;

La troisième classe (7 à 9 inclus), les sucres titrant 76 inclus à 85 exclusivement ;

La quatrième classe (moins 7), les sucres titrant moins de 76 degrés.

15. Les soumissions d'admission temporaire relatives aux sucres indigènes d'une nuance supérieure au No. 18 (poudres blanches comprises) pourront être apurées par l'exportation de sucres raffinés en pains, en raison d'un rendement de 97 pour cent.

Cette disposition s'applique aux sucres de canne des mêmes qualités, importés des pays hors d'Europe.

Délibéré en séance publique, à Versailles, le 30 Décembre, 1875.

AUDREN DE KERDREL, *Président.*

FÉLIX VOISIN, T. DUCHÂTEL, ÉTIENNE LAMY,

E. DE CAZENOVE DE PRADINE, *Secrétaires.*

Le Président de la République promulgue la présente Loi.*

MAL. DE MACMAHON, DUC DE MAGENTA.

C. DE MEAUX, *Ministre de l'Agriculture et du Commerce.*

*TREATY of Friendship, Commerce, and Navigation, between
China and Peru.—Signed at Tien-tsin, June 26, 1874.*

[Ratifications exchanged at Tien-tsin, August 7, 1875.]

HIS Excellency the President of the Republic of Peru and His Majesty the Emperor of China, being sincerely desirous to establish friendly relations between the two countries, have resolved to confirm the same by a Treaty of Friendship, Commerce, and Navigation, with the view of laying the foundations of mutual intercourse ; and for that purpose have named as their Plenipotentiaries, that is to say :—

His Excellency the President of Peru, Don Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of that Republic for the Empires of China and Japan ; and

His Majesty the Emperor of China, Li, Minister Plenipotentiary, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor-

* Promulguée au "Journal Officiel" du 7 Janvier, 1876.

General of the Province of Chih-li, and invested with the dignity of the second order of nobility;

Who, after having examined and exchanged their respective full powers, have together agreed upon the following Treaty for the benefit and protection of the merchants and people of the two countries:—

ART. I. There shall be peace and friendship between the Republic of Peru and His Majesty the Emperor of China. Their respective citizens and subjects shall reciprocally enjoy in the territories of the High Contracting Parties full and perfect protection for their persons and property.

II. In order to facilitate friendly intercourse in future, His Excellency the President of Peru may, if he see fit, appoint a Diplomatic Agent to the Court of Peking, and His Majesty the Emperor of China may, in like manner, if he see fit, appoint a Diplomatic Agent to the Government of Peru.

His Majesty the Emperor of China hereby agrees that the Diplomatic Agent so appointed by the Government of Peru may, with his family and the persons of his suite, permanently reside at Peking, or may visit it occasionally, at the option of the Peruvian Government.

In like manner, the Diplomatic Agent of China may, with his family and the persons of his suite, permanently reside at Lima, or may visit it occasionally at the option of the Chinese Government.

III. The Diplomatic Agent of each of the Contracting Parties shall, at their respective residences, enjoy all privileges and immunities accorded to them by international usages.

IV. The Government of Peru may appoint a Consul-General, and for such open ports or cities of China where it may be considered most expedient for the interest of Peruvian commerce, Consuls, Vice-Consuls, or Consular Agents. These officers shall be treated with due respect by the Chinese authorities, and enjoy the same privileges and immunities as the Consular Officers of the most favoured nation.

His Majesty the Emperor of China may appoint a Consul-General, Consuls, Vice-Consuls, or Consular Agents at any port or town of Peru where Consular Officers of any other Power are admitted to reside. All of these officers shall enjoy the same rights and privileges as those of the most favoured nation in Peru.

It is further agreed that the appointment of the said Consular Officers shall not be made in merchants residing in the locality.

V. Peruvian citizens are at liberty to travel for their pleasure or for purposes of trade in all parts of China under express condition of being provided with passports written in Spanish and Chinese, issued in due form by the Consuls of Peru and viséd by the Chinese authorities. These passports, if demanded, must be produced for

examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons, or hiring vessels or carts for the carriage of his baggage or merchandize, and the said merchandize shall be conveyed in accordance with the general regulations of foreign trade.

If the traveller be without a passport, he shall be handed over to the nearest Consul in order to enable him to procure one. The above provision will in like manner be applicable to cases of a Peruvian citizen committing any offence against the law of China. But he shall in no case be subjected by the Chinese authorities to any kind of ill-treatment or insult.

The citizens of Peru may go on excursions from the open ports or cities to a distance not exceeding 100 li and for a period not exceeding 5 days, without being provided with a passport.

The above provisions do not apply to the crews of ships, who, when on shore, shall be subject to the disciplinary regulations drawn up by the Consul and the local authorities.

Chinese subjects shall have the liberty to travel at their pleasure throughout the territory of Peru, as long as they behave peaceably and commit no offence against the laws and regulations of the country.

VI. The Republic of Peru and the Empire of China cordially recognize the inherent and inalienable right of man to change his home. Their citizens and subjects respectively may consequently go freely from the one country to the other for the purposes of curiosity, trade, labour, or as permanent residents. The High Contracting Parties therefore agree that the citizens and subjects of both countries shall only emigrate with their free and voluntary consent ; and join in reprobating any other than an entirely voluntary emigration for the said purposes, and every act of violence or fraud that may be employed in Macao or the ports of China to carry away Chinese subjects. The Contracting Parties likewise pledge themselves to punish severely, according to their laws, their respective citizens and subjects who may violate the present stipulations, and also to proceed judicially against their respective ships that may be employed in such unlawful operations, imposing the fines which for such cases are established by their laws.

VII. It is further agreed, that for the better understanding and more efficient protection of the Chinese subjects who reside in Peru, the Peruvian Government will appoint official interpreters of the Chinese language in the Prefectures of the Departments of Peru where the great centres of Chinese immigration exist.

VIII. The merchant-ships belonging to Peruvian citizens shall be permitted to frequent all the ports of China open to foreign trade, and to proceed to and fro at pleasure with their merchandize,

enjoying the same rights and privileges as those of the most favoured nation.

In like manner, the merchant-ships belonging to Chinese subjects may visit all the ports of Peru open to foreign commerce and trade in them, enjoying the same rights and privileges which in Peru are granted to the citizens or subjects of the most favoured nation.

IX. Peruvian citizens shall pay at the ports of China open to foreign trade, on all the goods imported or exported by them, the duties enumerated in the tariff which is now in force for the regulation of foreign commerce; but they can in no case be called to pay higher or other duties than those required now or in future of the citizens or subjects of the most favoured nation.

No other or higher duties shall be imposed in the ports of Peru on all goods imported or exported by Chinese subjects than those which are or may be imposed in Peru on the commerce of the most favoured nation.

X. The ships of war of each country respectively shall be at liberty to visit all the ports within the territories of the other to which the ships of war of other nations are or may be permitted to come. They shall enjoy every facility, and meet no obstacle in purchasing provisions, coals, procuring water, and making necessary repairs. Such ships shall not be liable to the payment of duties of any kind.

XI. Any Peruvian vessels, being from extraordinary causes compelled to seek a place of refuge, shall be permitted to enter any Chinese port whatever, without being subject to the payment of tonnage dues or duties on the goods, if only landed for the purpose of making the necessary repairs of the vessel, and remaining under the supervision of the Superintendent of the Customs.

Should any such vessel be wrecked or stranded, the Chinese authorities shall immediately adopt measures for rescuing the crew, and for securing the vessel and cargo. The crew thus saved, shall receive friendly treatment, and, if necessary, shall be furnished with the means of conveyance to the nearest Consular station.

If any Chinese vessels be wrecked or compelled by stress of weather to seek a place of refuge in the coasts of Peru, the local maritime authorities shall render to them every assistance in their power; the goods and merchandize saved from the wreck shall not be subject to duties unless cleared for consumption; and the ships shall enjoy the same liberties which in equal cases are granted in Peru to the ships of other nations.

XII. Peruvian citizens in China having reason to complain of a Chinese shall proceed at once to their Consular Officer and state to him their grievance. The Consul will inquire into the case, and do his utmost to arrange it amicably.

In like manner, if a Chinese have reason to complain of a

Peruvian citizen in China, the Consular Officer shall listen to his complaint, and endeavour to come to a friendly arrangement.

Should the Consular Officer not succeed in making such arrangement, then he shall request the assistance of the competent Chinese officer, that they may together decide the matter according to the principles of equity.

XIII. Chinese subjects guilty of a criminal action towards a Peruvian citizen in China shall be arrested and punished by the Chinese authorities, according to Chinese laws.

Peruvian citizens in China who may commit any crime against a Chinese subject shall be arrested and punished according to the laws of Peru by the Peruvian Consular Officer.

XIV. All questions in regard to rights, whether of property or person, arising between Peruvian citizens in China, shall be subject to the jurisdiction of the Peruvian authorities. Disputes between citizens of Peru and those of other foreign nations shall be decided in China according to the Treaties existing between Peru and those foreign nations. In all cases, however, of Chinese subjects being concerned in the matter, the Chinese authorities may interfere in the proceeding according to Articles XII and XIII of this Treaty.

XV. Chinese subjects in Peru shall have free and open access to the Courts of Justice of Peru for the prosecution and defence of their just rights; they shall enjoy in this respect the same rights and privileges as native citizens, and shall also be treated in every way like the citizens and subjects of other countries resident in Peru.

XVI. The Contracting Parties agree that the Government, public officers, and citizens of the Republic of Peru shall fully and equally participate in all privileges, rights, immunities, jurisdiction, and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China, to the Government, public officers, citizens or subjects of any other nation.

In like manner, the Government, public officers, and subjects of the Empire of China shall enjoy in Peru all the rights, privileges, immunities, and advantages of every kind which in Peru are enjoyed by the Government, public officers, citizens or subjects of the most favoured nation.

XVII. In order to prevent for the future any discussion, and considering that the English language, among all foreign languages, is the most generally known in China, this Treaty is written in the Spanish, Chinese, and English languages, and signed in 9 copies, 3 in each language. All these versions have the same sense and signification, but whenever the interpretation of the Spanish and Chinese versions may differ, then reference shall be made to the English text.

XVIII. If in future the High Contracting Parties desire a

modification of any stipulation contained in this Treaty, they shall be at liberty, after the lapse of 10 years dated from the day of the exchange of the ratifications of this Treaty, to open negotiations to that effect. Six months before the expiration of the 10 years, either of the Contracting Parties may officially notify to the other that modifications of the Treaty are desired, and in what these consist. If no such notification is made, the Treaty remains in force for another 10 years.

XIX. The present Treaty shall be ratified by His Excellency the President of Peru after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tien-tsin, as soon as possible.

In token whereof the respective Plenipotentiaries have signed and sealed this Treaty.

Done at Tien-tsin, this 26th day of the month of June, in the year of the Lord 1874, corresponding to the Chinese date the 13th day of the 5th moon of the 13th year of Tung-Chi.

(L.S.) AURELIO GARCIA Y GARCIA.

(L.S.) LI-HUNG-CHANG.

SPECIAL AGREEMENT. (Chinese Immigrants.)

THE Undersigned, Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru for the Empires of China and Japan, and

Li, Minister Plenipotentiary of His Majesty the Emperor of China, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor-General of the Province of Chih-li, and invested with the dignity of the second order of nobility,

Have concluded the following Special Agreement:—

Inasmuch as at present, Chinese are known to be residing in great numbers within the territory of Peru, and in view of the representations that have been made to the effect that some of these are suffering grievances, now then the respective Plenipotentiaries, being desirous of establishing amicable relations between the two countries, agree, on the one hand, that a Treaty of Friendship, Commerce, and Mutual Intercourse shall be concluded, and on the other, that with the view of establishing a thorough friendly understanding, the Chinese Government shall send a Commission to Peru.

The said Commission shall institute a thorough investigation into the condition of Chinese immigrants in all parts of Peru, to

whom they shall make known the objects in view by means of public notifications.

The Government of Peru, on their side, will give the fullest possible assistance to the Commission in the fulfilment of its duties, and will treat it with all due courtesy.

On the arrival of the Commission in Peru, the Peruvian Government will order all local or provincial authorities to give to the Commission all the assistance in their power for the performance of its duties.

In case it should be ascertained that Chinese immigrants whose contracts have not expired, be their numbers what they may, are actually suffering ill-treatment, it is now agreed that the Commission shall communicate the particulars concerning them to the local authorities. In case the employers of such Chinese immigrants decline to acknowledge the ill-treatment, the local authorities shall then send the complaints in question before the tribunals for judicial inquiry and decision.

If the immigrants in any case be dissatisfied with the decision of the primary Judge, it shall be open to the aggrieved parties forthwith to appeal to the higher Courts of Justice of Peru for further investigation.

The Chinese immigrants will be placed on a footing of equality as regards legal procedure with that enjoyed by the subjects of the most favoured nation residing in Peru.

From the date of the ratification of this Special Agreement by the Peruvian Government, the said Government will compel the employers of Chinese immigrants whose contracts have expired, and in which it may have been stipulated that they shall be sent back to China, to provide them with passage back to their native country, if they be desirous of returning to China.

In the case of Chinese immigrants in whose contracts no stipulation is made for the return passage on the expiry of the contracts, and provided that the immigrants shall express a wish to return to China, but shall be without the means of providing their own passage, the Peruvian Government will cause them to be repatriated gratuitously in the ships which leave Peru for China.

The present Agreement is written and signed in 6 copies, viz., two in Spanish, two in Chinese, and two in English. All these versions have the same meaning and intention.

The present Agreement shall be ratified by His Excellency the President of the Republic of Peru, after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tien-tsin.

In token whereof the respective Plenipotentiaries have signed and sealed this Agreement.

Done at Tien-tsin, this 26th day of the month of June, in the year of the Lord 1874, corresponding to the Chinese date the 13th day of the 5th moon of the 13th year of Tung-Chi.

(L.S.) AURELIO GARCIA Y GARCIA.

(L.S.) LI-HUNG-CHANG.

*TREATY of Commerce and Navigation between Sweden and Norway and Turkey. — Signed at Constantinople, ^{February 21,} _{March 5,} 1862.**

[Ratified at Stockholm, April 29, 1862, and at Constantinople, May 24, 1862.]

SA Majesté le Roi de Suède et de Norvège, d'une part, et Sa Majesté Impériale le Sultan, de l'autre part, étant également animés du désir d'étendre les relations commerciales entre leurs États respectifs, sont convenus à cet effet de conclure un Traité de Commerce et de Navigation, et ont nommé pour leurs Plénipotentiaires, savoir :

Sa Majesté le Roi de Suède et de Norvège, Monsieur Oscar Magnus Björnstjerna, Son Chargé d'Affaires près la Sublime Porte, Chambellan, Chevalier de l'Ordre Royal de Saint Olaf, Commandeur de l'Ordre Néerlandais de la Couronne de Chêne, Officier de la Légion d'Honneur de France et Chevalier de celui de Saint Stanislas de Russie, seconde classe ;

Sa Majesté Impériale le Sultan, Mouhammed-Emin-Aali Pacha, Son Ministre des Affaires Etrangères, décoré des Ordres Impériaux de l'Osmanié en brillants, de Médjidié et du Mérite première classe, Grand-Croix de l'Étoile Polaire de Suède et de plusieurs autres ordres étrangers ;

Lesquels, après s'être communiqués leurs pleins pouvoirs respectifs, trouvés en bonne et dûe forme, sont convenus des Articles suivants :—

ART. I. Tous les droits, privilèges et immunités qui ont été conférés aux sujets et aux bâtiments Suédois et Norvégiens par les Capitulations et les Traités antérieurs sont confirmés, à l'exception des clauses des dits Traités et des dites Capitulations que le présent Traité a pour objet de modifier, et il est en outre expressément entendu que tous les droits, privilèges, et immunités que la Sublime Porte accorde à présent ou pourrait accorder, ou dont elle permettrait la jouissance à l'avenir aux sujets, aux bâtiments, au commerce et à la navigation de toute autre puissance étrangère, seront également accordés aux sujets, aux bâtiments, au commerce et à la

* Signed also in the Swedish language.

navigation Suédois et Norvégiens qui en auront de droit l'exercice et la jouissance.

II. Les sujets de Sa Majesté le Roi de Suède et de Norvège ou leurs ayant-cause pourront acheter dans toutes les parties de l'Empire Ottoman, soit qu'ils veuillent en faire le commerce à l'intérieur, soit qu'ils se proposent de les exporter, tous les articles sans exception provenant du sol ou de l'industrie de ce pays.

La Sublime Porte ayant, en vertu de l'Article II du Traité du 31 Janvier, 1840,* formellement aboli tous les monopoles qui frappaient les produits de l'agriculture et toutes les autres productions quelconques de son territoire, et ayant aussi renoncé aux permis (teskérés) demandés aux autorités locales pour l'achat de ces mêmes marchandises ou pour leur transport d'un lieu à un autre, quand elles étaient achetées, toute tentative qui serait faite par une autorité quelconque pour forcer les sujets Suédois et Norvégiens à se pourvoir de semblables permis (teskérés) sera considérée comme une infraction aux Traités, et la Sublime Porte punira immédiatement avec sévérité tout fonctionnaire auquel on aurait une infraction à reprocher, et elle indemniserà les sujets Suédois et Norvégiens des pertes ou préjudices qu'ils pourraient dûment prouver avoir subis par cette cause.

III. Les marchands Suédois et Norvégiens ou leurs ayant-cause qui achèteront un objet quelconque, produit du sol ou de l'industrie de la Turquie, dans le but de le revendre pour la consommation dans l'intérieur de l'Empire Ottoman, payeront, lors de l'achat ou de la vente ou de toute autre opération de commerce qui se rapporte à ces objets, les mêmes droits qui seront payés dans les circonstances analogues par les sujets Ottomans ou étrangers les plus favorisés parmi ceux qui se livrent au commerce intérieur.

IV. Aucun article ne pourra être assujéti dans les États de l'une ou de l'autre des Parties Contractantes, lors de l'exportation vers les États de l'autre, à des droits ou charges autres ou plus élevés que ceux qui sont ou pourraient être payables lors de l'exportation du même article vers tout autre pays étranger.

De même, aucune prohibition ne frappera l'exportation d'un article quelconque des États de l'une ou de l'autre des Parties Contractantes vers les États de l'autre, qui ne s'étende à l'exportation du même article vers tout autre pays étranger.

Aucune charge ou droit quelconque ne sera exigé sur un article produit du sol ou de l'industrie de la Turquie, acheté par les sujets Suédois et Norvégiens ou leurs ayant cause, soit à l'endroit où cet article aura été acheté, soit lors de son transport de cet endroit au lieu d'où il doit être exporté.

Arrivé là, il sera assujéti à un droit d'exportation qui n'excédera

pas 8 pour cent calculés sur la valeur à l'échelle et payables au moment de l'exportation.

Tout article qui aura déjà payé le droit d'exportation n'y sera plus soumis dans une partie quelconque du territoire Ottoman quand même il aurait changé de mains.

Il est en outre convenu que le droit précité de 8 pour cent sera baissé chaque année de 1 pour cent jusqu'à ce qu'il ait été réduit définitivement à une taxe fixe de 1 pour cent (*ad valorem*), destiné à couvrir les frais généraux d'administration et de surveillance.

V. Tout article produit du sol ou de l'industrie de la Suède ou de la Norvège, quel que soit le lieu de la provenance, importé par terre ou par mer dans les États de Sa Majesté Impériale le Sultan, et réciproquement tout article, produit du sol ou de l'industrie de la Turquie, quel que soit le lieu de provenance, importé par mer ou par terre dans les États de Sa Majesté le Roi de Suède et de Norvège, ne sera soumis dans les États de Sa Majesté Impériale le Sultan ou dans les États de Sa Majesté le Roi de Suède et de Norvège à des droits autres ou plus élevés que ceux qui sont ou pourraient être payables lors de l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger.

De même, aucune prohibition ne frappera l'importation d'aucun article, produit du sol ou de l'industrie des États de l'une ou de l'autre des Parties Contractantes, qui ne s'étende à l'importation du même article, produit du sol ou de l'industrie de tout autre pays étranger.

Sa Majesté Impériale s'engage en outre, sauf les exceptions ci-après, à ne prohiber l'importation dans ses États d'aucun article produit du sol ou de l'industrie de la Suède ou de la Norvège, quel que soit le lieu de provenance, et à ce que les droits à percevoir sur les articles, produits du sol ou de l'industrie de ces pays, importés dans les États de Sa Majesté Impériale le Sultan n'excèdent en aucun cas un droit unique et fixe de 8 pour cent *ad valorem* ou un droit spécifique équivalent fixé de commun accord.

Ce droit sera calculé sur la valeur des marchandises à l'échelle et payable au moment de leur débarquement si elles arrivent par mer, et au premier bureau de douane si elles arrivent par voie de terre.

Si ces marchandises, après avoir acquitté le droit susdit de 8 pour cent, sont vendues soit au lieu d'arrivée, soit à l'intérieur du pays, il ne sera plus exigé aucun droit ni du vendeur ni de l'acheteur relativement à ces objets. Mais si n'étant pas vendues pour la consommation de la Turquie elles étaient ré-exportées dans l'espace de 6 mois, même après avoir passé en d'autres mains, elles seront considérées comme marchandises de transit et traitées comme il est dit ci-dessous à l'Article XII. L'Administration des Douanes serait dans ce cas tenue de restituer, au moment de la ré-exportation, au

négociant qui fournirait la preuve que le droit d'importation de 8 pour cent a été acquitté, la différence entre ce droit et le droit de transit spécifié dans l'Article précité.

VI. Il est entendu que les articles d'importation étrangère destinés aux Principautés Unies de Moldo-Valachie et à celle de Servie, et traversant les autres parties de l'Empire Ottoman, n'acquitteront les droits de douane qu'à leur arrivée dans ces Principautés, et réciproquement que les marchandises d'importation étrangère traversant ces Principautés pour se rendre dans les autres parties de l'Empire Ottoman ne devront acquitter les susdits droits qu'au premier bureau des douanes administrées directement par la Sublime Porte.

Il en sera de même pour les produits du sol ou de l'industrie de ces Principautés, aussi bien que pour ceux du reste de l'Empire Ottoman destinés à l'exportation, qui devront payer les droits de douane, les premiers entre les mains de l'administration douanière de ces Principautés et les derniers au fisc Ottoman. De telle sorte que les droits d'importation et d'exportation ne pourront dans tous les cas être perçus qu'une seule fois.

VII. Les sujets de chacune des Parties Contractantes seront traités dans les États de l'autre sur le même pied que les sujets indigènes relativement aux droits d'emmagasiner, ainsi qu'à l'égard des primes, facilités et remboursements de droits.

VIII. Tout article qui peut ou qui pourra être légalement importé dans les États de Sa Majesté Impériale le Sultan par des bâtiments Ottomans pourra l'être également par des bâtiments Suédois ou Norvégiens, sans être soumis à des droits ou charges autres ou plus élevés, de quelque espèce que ce soit, que si cet article était importé par des bâtiments Ottomans ; et réciproquement tout article qui peut ou pourra être légalement importé dans les États de Sa Majesté le Roi de Suède et de Norvège par des bâtiments nationaux pourra être également importé par des bâtiments Ottomans sans être soumis à des droits ou charges autres ou plus élevés, de quelque espèce que ce soit, que si cet article était importé par des bâtiments Suédois ou Norvégiens. Cette égalité de traitement sera appliquée, soit que cet article vienne directement du pays de production ou de tout autre pays.

De même il y aura parfaite réciprocité de traitement en ce qui concerne l'exportation, de telle sorte que les mêmes droits d'exportation seront payés et les mêmes primes, facilités et remboursements de droits accordés dans les États de l'une ou de l'autre des Parties Contractantes, lors de l'exportation de tout article qui peut ou pourra être légalement exporté de ces États, soit que l'exportation ait lieu sur un bâtiment Ottoman, Suédois ou Norvégien, ou que le lieu de destination de la marchandise soit un port de l'une ou de

l'autre des Parties Contractantes ou d'une Puissance tierce quelconque.

IX. Aucun droit de tonnage, de port, de pilotage, de phare, de quarantaine, ou tout autre droit semblable ou analogue, quelle qu'en soit la nature ou la dénomination, perçue au profit du Gouvernement, de fonctionnaires publics, de particuliers, de corporations ou d'établissement quelconque, ne sera établi dans les ports de l'une des Parties Contractantes sur les bâtiments de l'autre, qui ne frappe également et dans les mêmes conditions, dans des cas analogues, les bâtiments nationaux; cette égalité de traitement s'appliquera réciproquement aux bâtiments de ces pays de quelque port ou endroit qu'ils viennent et quel que soit le lieu de leur destination.

X. Tout bâtiment qui d'après la loi Ottomane doit être considéré comme bâtiment Ottoman, et tout bâtiment qui d'après les lois des Royaumes-Unis doit être considéré comme bâtiment Suédois ou Norvégien, sera pour les fins du présent Traité considéré comme Ottoman, Suédois ou Norvégien respectivement.

XI. Aucun droit quelconque ne sera prélevé sur les marchandises, produits du sol ou de l'industrie de la Suède ou de la Norvège, chargées sur des bâtiments de leur pays ou autres, ni sur les marchandises, produits du sol ou de l'industrie de tout autre pays étranger, chargées sur des bâtiments Suédois ou Norvégiens, quand ces marchandises passeront les Détroits des Dardanelles ou du Bosphore, soit qu'elles traversent ces détroits sur les bâtiments qui les ont apportées, ou qu'elles soient transbordées sur d'autres bâtiments, soit que, vendues pour l'exportation, elles soient déposées à terre pour un temps limité, pour être mises à bord d'autres bâtiments et continuer leur voyage. Dans ce dernier cas les marchandises devront être déposées à Constantinople, dans les magasins de la Douane dits de transit, et partout où il n'y aurait pas d'entrepôt elles seront sous la surveillance de l'Administration de la Douane.

XII. La Sublime Porte désirant accorder, au moyen de concessions graduelles, toutes les facilités en son pouvoir au transit par terre, il a été stipulé et convenu que le droit de 3 pour cent prélevé jusqu'à ce jour sur les marchandises importées en Turquie pour être expédiées dans d'autres pays sera abaissé à 2 pour cent payable comme le droit de 3 pour cent a été payé jusqu'aujourd'hui à leur entrée dans l'Empire Ottoman, et, au bout de la huitième année à compter du jour où le présent Traité sera mis en vigueur, il sera réduit à une taxe fixe et définitive de 1 pour cent qui sera prélevé de même que le droit sur l'exportation des produits Ottomans, dans le but de couvrir les frais d'enregistrement.

La Sublime Porte déclare en même temps se réserver le droit d'établir par un règlement spécial les mesures nécessaires pour prévenir la fraude.

XIII. Les sujets Suédois et Norvégiens ou leurs ayant-cause, se livrant dans l'Empire Ottoman au commerce des articles, produits du sol ou de l'industrie des pays étrangers, acquitteront les mêmes taxes et jouiront des mêmes droits, privilèges et immunités que les sujets étrangers, trafiquant des marchandises provenant du sol ou de l'industrie de leur propre pays.

XIV. Par exception aux stipulations de l'Article V, le tabac sous toutes ses formes et le sel cessent d'être compris au nombre des articles que les sujets Suédois et Norvégiens ont la faculté d'importer dans l'Empire Ottoman. En conséquence les sujets de ces pays ou leurs ayant-cause qui achèteront ou vendront du sel et du tabac pour la consommation de la Turquie seront soumis aux mêmes règlements et acquitteront les mêmes droits que les sujets Ottomans les plus favorisés parmi ceux qui se livrent au commerce de ces deux articles, et, en outre, comme compensation de la prohibition de l'importation des deux produits susdits, aucun droit ne sera perçu à l'avenir sur ces deux articles quand ils seront exportés de la Turquie par des sujets Suédois ou Norvégiens.

Les sujets Suédois et Norvégiens seront néanmoins tenus de déclarer aux autorités de la douane la quantité de tabac et de sel exportée, et les dites autorités de la douane conserveront comme par le passé le droit de surveiller l'exportation de ces articles sans pouvoir pour cela être autorisées à les frapper d'aucune taxe sous un prétexte quelconque.

XV. Il est entendu entre les deux Hautes Parties Contractantes que la Sublime Porte se réserve la faculté et le droit de frapper d'une prohibition générale l'importation de la poudre, des canons, armes de guerre ou munitions militaires dans les États de l'Empire Ottoman.

Cette prohibition ne pourra être en vigueur qu'autant qu'elle sera officiellement notifiée, et ne pourra s'étendre que sur les articles spécifiés dans le décret qui les interdit. Celui ou ceux de ces articles qui ne seront pas ainsi prohibés seront assujettis, lors de leur introduction dans l'Empire Ottoman, aux règlements locaux, sauf les cas où la Légation de Sa Majesté le Roi de Suède et de Norvège demanderait une permission exceptionnelle, laquelle sera accordée à moins que des raisons sérieuses ne s'y opposent. La poudre en particulier, si son introduction est permise, sera assujettie aux obligations suivantes :—

1. Elle ne sera point vendue par les sujets de Sa Majesté le Roi de Suède et de Norvège au-delà de la quantité prescrite par les règlements locaux ;

2. Quand une cargaison ou une quantité considérable de poudre arrivera dans un port Ottoman à bord d'un bâtiment Suédois ou Norvégien, ce bâtiment sera tenu de mouiller sur un point particulier désigné par les autorités locales, et de débarquer sa poudre sous

l'inspection de ces mêmes autorités, dans des entrepôts ou autres endroits également désignés par elles et auxquels les parties intéressées auront accès en se conformant aux règlements en vigueur.

Ne sont pas compris dans les restrictions du présent Article les fusils de chasse, les pistolets, les armes de luxe, ainsi qu'une petite quantité de poudre de chasse réservée à l'usage privé.

XVI. Les Firmans exigés des bâtimens marchands Suédois et Norvégiens à leur passage dans les Dardanelles et dans le Bosphore leur seront toujours délivrés de manière à leur occasionner le moins de retard possible.

XVII. Les capitaines des bâtimens de commerce Suédois ou Norvégiens ayant à leur bord des marchandises à destination de l'Empire Ottoman seront tenus de déposer à la douane, immédiatement après leur arrivée au port de débarquement, une copie exacte de leur manifeste.

XVIII. Les marchandises introduites en contrebande seront passibles de confiscation au profit du Trésor Ottoman, mais un rapport ou procès-verbal du fait de contrebande allégué devra, aussitôt que les dites marchandises auront été saisies par les autorités, être dressé et communiqué à l'autorité Consulaire du sujet étranger auquel appartiendront les marchandises suspectes de contrebande ; et nulle marchandise ne pourra être confisquée comme contrebande tant que la fraude n'aura pas été dûment et légalement prouvée.

XIX. Les marchandises produits du sol ou de l'industrie de l'Empire Ottoman, importées en Suède ou en Norvège, seront traitées comme les produits similaires des pays les plus favorisés.

Tous les droits, privilèges et immunités que le Gouvernement Suédois et Norvégien accorde aujourd'hui ou pourrait accorder, ou dont il permettrait la jouissance à l'avenir aux sujets, aux bâtimens, au commerce et à la navigation de toute autre Puissance étrangère, seront également accordés aux sujets, aux bâtimens, au commerce et à la navigation Ottomans qui en auront de plein droit l'exercice et la jouissance.

XX. Le présent Traité, lorsqu'il aura été ratifié, remplacera la Convention conclue entre les Hautes Parties Contractantes le 31 Janvier, 1840, et sera valable pour 28 ans à partir du $\frac{1}{3}$ Mars, 1862. Toutefois chacune des Hautes Parties Contractantes se réserve la faculté de proposer au bout de la 14^{me} ou de la 21^{me} année les modifications que l'expérience aura suggérées ou de le dénoncer, et dans ce dernier cas le Traité cessera de lier les Parties Contractantes au bout d'un an à partir de la date de la dénonciation.

Le présent Traité sera exécutoire dans toutes les provinces de l'Empire Ottoman, c'est-à-dire, dans les possessions de Sa Majesté Impériale le Sultan situées en Europe, en Asie, en Egypte et dans

les autres parties de l'Afrique appartenant à la Sublime Porte, en Servie, et dans les Principautés Unies de Moldavie et de Valachie.

XXI. Il demeure entendu que le Gouvernement de Sa Majesté le Roi de Suède et de Norvège ne prétend, par aucun des Articles du présent Traité, stipuler au-delà du sens naturel et précis des termes employés, ni entraver en aucune manière le Gouvernement de Sa Majesté Impériale le Sultan dans l'exercice de ses droits d'administration intérieure, en tant toutefois que ces droits ne porteront pas une atteinte manifeste aux stipulations des anciens Traités et aux privilèges accordés par le présent Traité aux sujets Suédois ou Norvégiens, ou à leurs propriétés.

XXII. Les Hautes Parties Contractantes ayant nommé des commissaires, pour établir conjointement le prix des marchandises de toute espèce provenant du sol ou de l'industrie de la Suède ou de la Norvège, importées dans les États de Sa Majesté Impériale le Sultan, ainsi que des articles de toute sorte, produits du sol ou de l'industrie de la Turquie, que les commerçants Suédois et Norvégiens ou leurs ayant-cause sont libres d'acheter dans toutes les parties de l'Empire Ottoman pour les transporter soit dans leurs pays, soit en tout autre lieu, le tarif des droits de douane à percevoir conformément au présent Traité sera fixé d'après ces prix établis de commun accord. Le nouveau tarif à établir de la sorte restera en vigueur pendant 7 ans à dater du $\frac{1}{13}$ Mars, 1862.

Chacune des Hautes Parties Contractantes aura le droit, pendant l'année qui précédera l'expiration de ce terme, d'en demander la révision. Mais si à cette époque ni l'une ni l'autre n'usent de cette faculté, le tarif continuera d'avoir force de loi pour 7 autres années à partir du jour où la première période aura été accomplie, et il en sera de même à la fin de chaque période successive de 7 années.

XXIII. Le présent Traité sera ratifié, les ratifications en seront échangées à Constantinople le plus tôt que faire se peut, et il sera mis à exécution à partir du $\frac{1}{13}$ Mars, 1862.

Fait à Constantinople, le $\frac{5 \text{ Mars,}}{21 \text{ Février,}}$ de l'année 1862.

(L.S.) O. M. BJORNSTJERNA.

(L.S.) AALI.

TARIF des Douanes Turques, arrêté le 26 Mars, 1862, dans la Commission Mixte instituée ad hoc par la Légation de Sa Majesté le Roi de Suède et de Norvège et la Porte Ottomane, établissant les droits d'importation sur les marchandises Suédoises ou Norvégiennes, ainsi que les droits d'exportation sur les articles de provenance Ottomane.

LES marchandises, produits du sol ou de l'industrie de la Suède et de la Norvège, importées en Turquie (sauf les articles prohibés), par

les sujets Suédois et Norvégiens, ainsi que les marchandises, produits du sol ou de l'industrie de la Turquie, achetées par les sujets Suédois et Norvégiens ou leurs ayants-cause dans toute partie de l'Empire Ottoman, pour être exportées en Suède ou en Norvège, ou bien ailleurs, ont été soumises jusqu'à présent à l'acquittement des droits de douane fixés par le tarif dressé sur les prix de l'époque; et comme le terme du tarif conclu le mois de Janvier, 1847, a expiré depuis longtemps, sa révision, ajournée pour divers motifs, ayant été demandée, en vertu du Traité, par les Parties Contractantes, les Commissaires de la Légation de Suède et de Norvège, réunis à ceux de la Sublime Porte, ont procédé à la rédaction du nouveau Tarif ci-après :—

Importation.

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|--|------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Acier ordinaire | le quintal | 128 10 | 10 24 |
| „ fin | .. | .. | ad val. |
| „ (ouvrages en) | .. | .. | .. |
| Allumettes Chimiques | .. | .. | .. |
| Alun | le quintal | 76 40 | 6 11 |
| Arsenic | .. | 147 90 | 11 83 |
| Bierre, grandes bouteilles | la douzaine | 43 00 | 3 44 |
| „ petites bouteilles | .. | 27 30 | 2 18 |
| Bois de construction | .. | .. | ad val. |
| „ Doutes et chêne ou hêtre | .. | .. | .. |
| „ d'avirons | .. | .. | .. |
| Bougies stéariques | l'ocque | 16 00 | 1 28 |
| Briques | .. | .. | ad val. |
| Cartes à jouer | les 12 paires | 16 85 | 1 34 |
| Chaux | .. | .. | ad val. |
| Chrome | .. | .. | .. |
| Cobalt | .. | .. | .. |
| Cordages | .. | .. | .. |
| Cornes | .. | .. | .. |
| Craie | .. | .. | .. |
| Cuirs | l'ocque | 21 00 | 1 68 |
| Cuivre en saumons | .. | 14 85 | 1 18 |
| „ en feuilles, en clous et pour plateau | .. | 18 80 | 1 50 |
| Cumin | .. | 2 95 | 23 |
| Dents de Poisson | .. | 54 60 | 4 36 |
| Eau de vie | .. | 4 75 | 38 |
| Écore de chêne | .. | .. | ad val. |
| Fers : Ancres | le quintal | 133 75 | 10 70 |
| „ Canons | .. | .. | ad val. |
| „ en barres rondes et carrées | le quintal | 78 30 | 6 26 |
| „ en paquets | .. | 78 30 | 6 26 |
| „ en tôles ou planches | .. | 101 75 | 8 14 |
| „ en cercles | .. | .. | ad val. |
| „ chaines pour navires | le quintal | 133 75 | 10 70 |
| „ en saumons | .. | 26 00 | 2 8 |
| „ Poêle pour frire | la douzaine | 90 80 | 7 26 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|--------------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Fers : ouvré, vaisselle en fer et outils | | | |
| de toute sorte .. .. . | .. .. . | .. .. . | ad val. |
| „ à repasser | les 12 paires | 90 00 | 7 20 |
| „ Clous | le quintal | 145 40 | 11 63 |
| „ „ de menuisier, dits Pointes | | | |
| de Paris.. .. . | No. 1-11, l'ocque | 5 10 | 40 |
| „ Clous de menuisier, dits Pointes | | | |
| de Paris.. .. . | No. 12 à 60, „ | 2 60 | 20 |
| „ Clous, petits de cordonnier .. | le quintal | 128 90 | 10 31 |
| „ Pelles | la douzaine | 141 00 | 11 28 |
| „ Faux et Faucilles | la pièce | 5 15 | 41 |
| „ Limes ordinaires | la douzaine | 7 70 | 61 |
| „ Couteaux et fourchettes ordi- naires à manche de corne ou d'os | les 2 douzaines | 20 10 | 1 60 |
| „ Canifs à manche de bois ordi- naires | la douzaine | 6 45 | 51 |
| „ Ciseaux ordinaires, petits et grands | „ | 9 30 | 74 |
| Fil de coton, en couleur | l'ocque | 22 20 | 1 77 |
| „ „ blanc ou écru | „ | 16 20 | 1 30 |
| „ „ rouge | „ | 30 00 | 2 40 |
| Fourrures .. .. . | .. .. . | .. .. . | ad val. |
| Glace .. .. . | .. .. . | .. .. . | „ |
| Graine de chanvre .. .. . | .. .. . | .. .. . | „ |
| „ de lin .. .. . | .. .. . | .. .. . | „ |
| Graisse de veau mairn .. .. . | .. .. . | .. .. . | „ |
| Goudron minéral | le baril de 2 à 2½ quintaux | 65 80 | 5 26 |
| „ végétal .. .. . | .. .. . | .. .. . | ad val. |
| Huile de lin | le quintal | 285 00 | 22 80 |
| „ de poisson .. .. . | .. .. . | .. .. . | ad val. |
| „ de poix .. .. . | .. .. . | .. .. . | „ |
| Machines à vapeur .. .. . | .. .. . | .. .. . | „ |
| „ chaudières vapeur .. .. . | .. .. . | .. .. . | „ |
| Mineral .. .. . | .. .. . | .. .. . | „ |
| Meubles et ouvrages de menuiserie | .. .. . | .. .. . | „ |
| Mousse de teinture .. .. . | .. .. . | .. .. . | „ |
| Nichel .. .. . | .. .. . | .. .. . | „ |
| Noir de fumée .. .. . | .. .. . | .. .. . | „ |
| „ d'os .. .. . | .. .. . | .. .. . | „ |
| Couleur rouge .. .. . | .. .. . | .. .. . | „ |
| Papier .. .. . | .. .. . | .. .. . | „ |
| Peaux de veau cirées, blanches et noires | la douzaine | 521 50 | 41 72 |
| „ vernissées | „ | 441 60 | 35 32 |
| Pierres à paver .. .. . | .. .. . | .. .. . | ad val. |
| „ à aiguiser .. .. . | .. .. . | .. .. . | „ |
| Plomb en saumons | le quintal | 135 55 | 10 84 |
| „ en grenaille | „ | 156 15 | 12 49 |
| „ en planches et en tuyaux .. | „ | 168 45 | 13 47 |
| Poissons : Harengs | le baril de 600 à 1,000 | 159 80 | 12 78 |
| „ Morue | le quintal | 80 70 | 6 45 |
| „ Stockfisch | „ | 80 70 | 6 45 |
| „ secs, fumés et salés, ainsi que d'autres espèces .. .. . | .. .. . | .. .. . | ad val. |
| Poix | le quintal | 23 50 | 1 88 |
| Potasse .. .. . | .. .. . | .. .. . | ad val. |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|--------------------------------|--|--|---|
| Étoffes et tissus divers | .. | Pts. cts. .. | Pts. cts. ad val. |
| Verreries | .. | .. | .. |
| „ Bouteilles vides | de 200 à 400 drachmes l'une les 100 bouteilles | 93 90 | 7 " 51 |
| „ „ „ | de 1,000 drachs. l'une, les 100 bouteilles | 187 80 | 15 2 |
| Vitres | les 2 caissettes contenant en tout de 20 à 200 vitres suivant leur grandeur, le tout ensemble 200 pieds carrés | 117 40 | 9 39 |

S'il y a plus ou moins de pieds, le droit sera perçu proportionnellement.

Exportation.

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|--------------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| <i>Céréales.</i> | | | |
| Blé de l'Empire Ottoman | le kilo de Con- stantinople | 15 30 | 1 22 |
| Maïs „ „ | „ | 7 20 | 0 57 |
| Seigle „ „ | „ | 6 30 | 0 50 |
| Orge „ „ | „ | 5 40 | 0 43 |
| Avoine „ „ | „ | 4 10 | 0 32 |
| <i>Graines Oléagineuses et autres.</i> | | | |
| Graine de sésame | l'ocque | 1 50 | 0 12 |
| „ de lin | le kilo de 20 ocques | 18 00 | 1 44 |
| „ de chanvre | l'ocque | 0 80 | 0 06 |
| Millet | le kilo de Con- stantinople | 4 50 | 0 36 |
| Graine longue | le kilo de 20 ocques | 19 30 | 1 54 |
| <i>Soies écruës et autres.</i> | | | |
| Soies de filature de l'Empire Ottoman .. | l'ocque | 217 30 | 17 38 |
| „ de l'Empire Ottoman, filées au mandjilik | „ | 155 00 | 12 40 |
| Soies de Chypres, Beyrout, Aïdin, Men- tèché, Sigula, Chio, Crète, Alep, Saïda et Damas | „ | 108 50 | 8 68 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|--------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Bourre de soie | .. | .. | ad val. |
| Cocons de l'Empire Ottoman, ceux d'Amassia exceptés | l'ocque | 74 50 | 5 96 |
| Cocons d'Amassia | .. | .. | ad val. |
| „ percés, doubles et rebuts | .. | .. | „ |
| Frisons, douppions et déchets divers | .. | .. | „ |
| Graine de vers à soie | l'ocque | 450 00 | 36 00 |
| <i>Laines, Cotons et autres produits bruts.</i> | | | |
| Laines en suint et pelades dites Cal- cinées, d'Anatolie, de Roumélie, et de Constantinople | le quintal | 192 00 | 15 36 |
| „ „ „ lavées | „ | 234 00 | 18 72 |
| Laines en suint et pelades dites Cal- cinées, de Syrie, Tripoli de Barbarie, Bagdad et pays voisins | „ | 134 50 | 10 76 |
| „ „ „ lavées | „ | 164 00 | 13 12 |
| Cotons en laine d'Anatolie, de Chypres et des Dardanelles | „ | 270 00 | 21 60 |
| Cotons en laine de Roumélie | „ | 257 20 | 20 57 |
| Poil de chèvre d'Angora, Coniah, Cas- tambol, Guérédé et Bey Bazar (tifitk et finik).. .. . | l'ocque | 20 50 | 1 64 |
| <i>Drogueries, Gommés, Teintures, etc.</i> | | | |
| Opium de Carahiçar, Guévé, Amassia et Angora, de toute qualité | „ | 200 00 | 16 00 |
| Noix de Galle de toute qualité | le quintal | 296 00 | 23 68 |
| Graine jaune d'Angora, Caissarié, Tokat, Skilip, première qualité | l'ocque | 4 20 | 0 23 |
| Graine jaune de Skilip, Caïssarié, Dagh- Djehri et d'Anatolie, inférieure | „ | 2 90 | 0 23 |
| Graine jaune de Roumélie, de toute qualité | „ | 1 30 | 0 10 |
| Valonée d'Aïvadjik, Esiné, Métélin, Kémer et Dardanelles | le quintal | 51 40 | 4 11 |
| Valonée d'Aïdin, Ouchak, Ghedez, et ce qui s'exporte de l'échelle de Smyrne | „ | 45 00 | 3 60 |
| Salep d'Anatolie | l'ocque | 19 30 | 1 54 |
| „ de Roumélie | „ | 12 90 | 1 03 |
| Orpiment | „ | 3 20 | 0 25 |
| Gomme Arabique | „ | 5 20 | 0 41 |
| „ Adragante, en feuille blanche | „ | 23 00 | 1 84 |
| „ „ filets blancs | „ | 9 10 | 0 72 |
| „ „ inférieure et mélan- gée | „ | 6 50 | 0 52 |
| „ „ de Bassora, ordinaire | „ | 1 40 | 0 11 |
| „ „ de Bagdad | „ | 3 40 | 0 27 |
| Scamonée | „ | 138 00 | 11 04 |
| Mastic | le baril de 70 ocques | 3500 00 | 280 00 |
| „ en larmes | l'ocque | 98 50 | 7 88 |
| Safranum d'Anatolie | „ | 10 50 | 0 84 |
| Alizaris d'Anatolie | le quintal | 197 00 | 15 76 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|--------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Alizaris de Chypres, de Syrie et de Tripoli de Barbarie | le quintal | 133 30 | 10 66 |
| Anis de Caïssarié | l'ocque | 2 60 | 0 20 |
| „ Roumélie | „ | 2 30 | 0 18 |
| Colle | „ | 2 50 | 0 20 |
| „ de cordonnier, dite Tchirich | „ | 3 90 | 0 31 |
| Saponaire | „ | 1 90 | 0 15 |
| Safran d'Anatolie et de Roumélie | .. | .. | ad val. |
| Sandaraque | .. | .. | .. |
| Cumin | l'ocque | 2 00 | 0 16 |
| Couleur rouge, dite Gul' Bahar | „ | 2 00 | 0 16 |
| Résine jaune | le quintal | 32 20 | 2 57 |
| „ blanche | „ | 57 80 | 4 62 |
| Galbanum | l'ocque | 7 70 | 0 61 |
| Séné | .. | .. | ad val. |
| Salpêtre et natron d'Égypte | .. | .. | .. |
| Rocou d'Anatolie | .. | .. | .. |
| Terre bleue | l'ocque | 4 70 | 0 37 |
| Mehleb, graine de mérissier | „ | 4 10 | 0 32 |
| Myrrhe | „ | 4 70 | 0 37 |
| Encens de toutes sortes | .. | .. | ad val. |
| Jus de Réglisse | .. | .. | .. |
| Safranum d'Égypte | .. | .. | .. |
| <i>Liquides.</i> | | | |
| Huile d'olive | le quintal | 140 00 | 11 20 |
| Vins de l'Empire Ottoman, Chypres ordinaire compris | l'ocque | 1 80 | 0 14 |
| Vin de commanderie | .. | .. | ad val. |
| Essence de rose | le métical | 11 80 | 0 94 |
| Eau de rose | l'ocque | 2 00 | 0 16 |
| Eau de vie de mastic | „ | 5 80 | 0 46 |
| „ simple, de 16/18 degrés | „ | 2 90 | 0 23 |
| <i>Fruits.</i> | | | |
| Raisins secs de Carabournou, sans pepins (Sultanine) | le quintal | 231 40 | 18 51 |
| Raisins secs dit Razâqy, de Ourla, Tchechmé, Aïdin, Mentèché, Caraog- lak, Tyré | „ | 160 70 | 12 85 |
| Raisins secs de Ourla, Tchechmé et Yerli, sans pepins (Sultanine) | „ | 186 40 | 14 91 |
| Raisins secs dit Razâqy, de Carabour- nou et Soyout | „ | 193 00 | 15 44 |
| Raisins secs de Beylerdjé | „ | 70 70 | 5 65 |
| „ de Corinthe | „ | 160 70 | 12 85 |
| „ noirs, d'Aïdin et Tyré | „ | 45 00 | 3 60 |
| „ dit Razâqy, de Stancho | „ | 128 50 | 10 28 |
| „ de Mandalia et Samos | „ | 64 30 | 5 14 |
| Noisettes | „ | 65 70 | 5 25 |
| Figues sèches, de toute qualité | .. | .. | ad val. |
| Noix | le kilo de 100 ocques | 163 00 | 13 04 |
| Caroube | .. | .. | ad val. |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|------------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| <i>Métaux bruts et ouvrés.</i> | | | |
| Cuivre en pains | .. | .. | ad val. |
| Cuivre vieux | l'ocque | 9 30 | 0 74 |
| „ ouvré, de Trébisonde | „ | 23 00 | 1 84 |
| „ „ de Tokat | „ | 19 70 | 1 57 |
| „ „ et cafetières de Castambol .. | „ | 26 30 | 2 10 |
| „ „ de Constantinople | la pièce | 26 50 | 2 12 |
| Cuvettes et Aiguières en cuivre .. | la pièce | 82 70 | 6 61 |
| Bronze ouvré | „ | 23 20 | 1 85 |
| Poids de balances en cuivre | „ | 19 80 | 1 58 |
| „ en bronze | „ | 16 50 | 1 32 |
| Zarfs en laiton | les 10 pièces | 19 80 | 1 58 |
| Etriers en fer | la paire | 9 90 | 0 79 |
| Canons de fusil, Hâré et Sarma.. .. | la pièce | 46 00 | 3 68 |
| Fers de cheval | les 160 | 131 40 | 10 51 |
| Clous pour ferrer les chevaux | l'ocque | 19 70 | 1 57 |
| Clous d'Ismuth | „ | 5 30 | 0 42 |
| Sonnettes | „ | 13 20 | 1 05 |
| Fers pour talons de bottes | „ | 6 50 | 0 52 |
| Moulins à café | la pièce | 16 40 | 1 31 |
| Cuivre vieux, ouvré | l'ocque | 16 50 | 1 32 |
| Bagues en laiton | les 1000 | 66 20 | 5 29 |
| Aiguilles de Moudourlou | l'ocque | 6 50 | 0 52 |
| Cadenas de Philippopoli | la dizaine | 12 80 | 1 02 |
| Écritoirs en laiton | .. | .. | ad val. |
| Plomb en saumons | .. | .. | „ |
| Fil d'or de Constantinople | le métal | 4 30 | 0 34 |
| Feuilles d'or „ | le téfe de 10 dizaines | 92 50 | 7 40 |
| Fil d'or et d'argent „ | .. | .. | ad val. |
| <i>Fourrures.</i> | | | |
| Fourrure dite nafé (ventre de renard) et Zilcava d'Erzerum | les 2 pièces ou le toloum | 150 00 | 12 00 |
| „ „ „ d'Anatolie | „ | 83 30 | 6 66 |
| „ poitrine de renard, dite kacikli d'Anatolie | la paire | 21 30 | 1 70 |
| „ loup-cervier, d'Erzeroum | la pièce | 150 00 | 12 00 |
| „ martre d'Anatolie et de Rou- mélie | .. | .. | ad val. |
| „ renard d'Anatolie | la pièce | 8 00 | 0 64 |
| „ castor | „ | 30 00 | 2 40 |
| „ loup d'Anatolie | le toloum | 83 30 | 6 66 |
| „ chacal d'Anatolie | la pièce | 8 00 | 0 64 |
| „ espèce de fouine, dite Gueud- jen | „ | .. | ad val. |
| „ espèce de fouine petits mor- ceaux | l'ocque | 20 00 | 1 60 |
| „ chacal d'Anatolie | le toloum | 60 00 | 4 80 |
| „ chat d'Anatolie | „ | 33 30 | 2 66 |
| „ pieds de chat d'Anatolie | „ | 36 70 | 2 93 |
| „ loup d'Anatolie | la pièce | 14 70 | 1 17 |
| „ fouine d'Anatolie | „ | 33 30 | 2 66 |
| „ dos de renard d'Anatolie | le toloum | 106 70 | 8 53 |
| „ agneau de Roumélie | „ | 46 70 | 3 73 |

| Désignation des Marchandises. | | | | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en piastres et centimes. |
|--|--------------------------------|----|----|------------------------|--|--|
| | | | | | Pts. cts. | Pts. cts. |
| Fourrure | zileava de Bosnie | .. | .. | le toloum | 266 70 | 21 33 |
| „ | nafé de Bosnie | .. | .. | „ | 240 00 | 19 20 |
| „ | „ de Roumélie | .. | .. | „ | 166 70 | 13 33 |
| „ | chat de Roumélie | .. | .. | la pièce | 6 70 | 0 53 |
| „ | zileava de Roumélie | .. | .. | le toloum | 233 30 | 18 66 |
| „ | „ d'Ochrida | .. | .. | „ | 400 00 | 32 00 |
| „ | nafé d'Uskup | .. | .. | „ | 166 70 | 13 33 |
| „ | „ d'Ochrida | .. | .. | „ | 300 00 | 24 00 |
| „ | „ Calavros | .. | .. | „ | 100 00 | 8 00 |
| „ | zileava de Bosnie, Calavros .. | .. | .. | „ | 166 70 | 13 33 |
| „ | nafé de Roumélie, Calavros .. | .. | .. | „ | 90 00 | 7 20 |
| „ | dos de renard, Zaara de Bos- | .. | .. | le paquet de 20 | 46 70 | 3 73 |
| | nie et Roumélie, Calavros .. | | | pièces | | |
| „ | zileava de Zaara | .. | .. | „ | 100 00 | 8 00 |
| „ | tête de renard, de Bosnie et | .. | .. | le toloum | 266 70 | 21 33 |
| „ | de Roumélie | .. | .. | „ | 46 70 | 3 73 |
| „ | pieds de renard | .. | .. | „ | 46 70 | 3 73 |
| „ | de chat (Sâz Kédici) | .. | .. | „ | | |
| „ | tête de renard, de Roumélie, | .. | .. | „ | 116 70 | 9 33 |
| „ | qualité moyenne | .. | .. | la pièce | 18 00 | 1 44 |
| „ | renard de Roumélie | .. | .. | „ | 36 70 | 2 93 |
| „ | „ de Bosnie | .. | .. | la paire | 80 00 | 6 40 |
| „ | gorge de loup de Zaara .. | .. | .. | | | |
| „ | ventre et pieds de martre, et | .. | .. | | | |
| | petits morceaux de la même | | | | | |
| | fourrure | .. | .. | le toloum | 233 30 | 18 66 |
| „ | tête de fouine de Roumélie .. | .. | .. | „ | 266 70 | 21 33 |
| „ | pieds de fouine de Roumélie | .. | .. | .. | .. | ad val. |
| „ | fouine de Roumélie | .. | .. | | | |
| „ | pieds de fouine, première | .. | .. | „ | 150 00 | 12 00 |
| „ | qualité | .. | .. | l'ocque | 6 70 | 0 53 |
| „ | petits morceaux de fouine .. | .. | .. | la pièce | | |
| „ | de fouine, dite Tuisuz .. | .. | .. | | | |
| „ | sorte de fouine, dite Gueud- | .. | .. | | | |
| | jen, et pieds de la même | | | | | |
| | fourrure | .. | .. | le toloum | 14 70 | 1 17 |
| „ | de chèvre | .. | .. | „ | 76 70 | 6 13 |
| „ | loup de Roumélie | .. | .. | „ | 183 30 | 14 66 |
| „ | chat noir de Roumélie .. | .. | .. | „ | 80 00 | 6 40 |
| „ | pieds de chat noir | .. | .. | „ | | ad val. |
| „ | loup-cervier de Roumélie .. | .. | .. | .. | | |
| „ | de rat | .. | .. | .. | | |
| „ | de tête de martre | .. | .. | .. | | |
| <i>Comestibles et autres articles.</i> | | | | | | |
| Légumes secs, de toute espèce .. | .. | .. | .. | .. | .. | .. |
| Biscuit et Galettes de toute qualité .. | .. | .. | .. | .. | .. | .. |
| Beurre, suif, chervich | .. | .. | .. | .. | .. | .. |
| Riz d'Égypte, Philippopoli et Trebi- | .. | .. | .. | .. | .. | .. |
| zonde | .. | .. | .. | .. | .. | .. |
| Pasturmas, saucissons et langues fumées | .. | .. | .. | .. | .. | .. |
| Fromages de toute espèce, pekmèz, halva, | .. | .. | .. | .. | .. | .. |
| boulama, chandelles de suif et de cire | .. | .. | .. | le quintal | 136 50 | 10 92 |
| Savon | .. | .. | .. | .. | .. | ad val. |
| Boutargue | .. | .. | .. | .. | .. | |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|--|------------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Confitures, sorbets et sucreries | l'ocque | 6 60 | 0 52 |
| Keufter, pâte de mou de raisin | le quintal | 160 70 | 12 85 |
| Poissons salés de toute espèce | .. | .. | ad val. |
| Halva de noix et manne | .. | .. | .. |
| Nardenc, pekmèz, et soudjouk de noix.. | .. | .. | .. |
| <i>Peaux et Cuirs.</i> | | | |
| Peaux de Lièvre d'Anatolie | les 100 | 157 30 | 12 58 |
| „ de Roumélie | .. | 94 40 | 7 55 |
| „ de moutons et de chèvres | la pièce | 6 30 | 0 50 |
| „ d'agneaux et de chevreaux | .. | 3 10 | 0 24 |
| Maroquins de Caïssarié et d'Eghin .. | les 5 pièces | 86 50 | 6 92 |
| „ rouges, d'Ouchak et de Tossia .. | les 6 pièces | 83 10 | 6 64 |
| „ noirs, de Sparta, Coniah, Smyrne, Choumla, et Ou- chak.. .. | la pièce | 11 10 | 0 88 |
| „ noirs et jaunes, d'Islimié, Tchirpan, Carlova, et autres lieux | .. | 6 90 | 0 55 |
| „ écarlates de Roumélie | .. | 13 90 | 1 11 |
| „ d'Eregli et Baloukesser | .. | 12 50 | 1 00 |
| Peaux de moutons, tannées, de Con- stantinople | .. | 3 30 | 0 26 |
| „ d'Angora, blanches et de couleur | .. | .. | ad val. |
| Cuirs pour semelles, d'Aidin | la pièce | 25 70 | 2 05 |
| „ de Ghérédé | .. | 32 20 | 2 57 |
| Cuirs tannés, de buffle et de bœuf .. | .. | 48 20 | 3 85 |
| Peaux de moutons écarlates, de Rou- mélie et d'Anatolie | .. | 5 30 | 0 42 |
| „ „ non teintés | .. | 3 20 | 0 25 |
| Cuirs dits Dalvoun, pour semelles, de Constantinople | .. | 30 80 | 2 46 |
| „ dits Cafali | .. | 24 70 | 1 97 |
| Peaux de buffles et de bœufs, sèches et salées | .. | .. | ad val. |
| Chaussures dites Khafâf, autres que les souliers | la paire | 7 90 | 0 63 |
| „ „ brodées | .. | .. | ad val. |
| Terlics | la paire | 4 00 | 0 32 |
| Bottes rouges et noires | .. | .. | ad val. |
| „ jaunes | la paire | 23 20 | 1 85 |
| Souliers dits Martin ièmènici | .. | 14 70 | 1 17 |
| <i>Bois divers.</i> | | | |
| Bois de buis, de Roumélie et d'Anatolie, de toute qualité | le quintal | 12 60 | 1 00 |
| Bois de construction, de toute espèce .. | .. | .. | ad val. |
| Douves | .. | .. | .. |
| Peignes en buis | le capsara de 5500 pièces | 246 30 | 19 70 |
| „ en bois | .. | 131 40 | 10 51 |
| Galoches en bois | la paire | 2 70 | 0 21 |
| <i>Articles divers non classés.</i> | | | |
| Cire jaune en pains | l'ocque | 18 40 | 1 47 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|--|--|--|---|
| | | Pts. cts. | Pts. cts. |
| Cornes de buffle | les 100 paires | 262 80 | 21 02 |
| „ de bœuf | „ | 230 00 | 18 40 |
| „ de cerf | l'ocque | 4 00 | 0 32 |
| Emeri de tout qualité | „ | .. | ad val. |
| Écume de mer | la caisse | 616 40 | 49 31 |
| Sangsues | l'ocque | 195 60 | 15 64 |
| Éponges | „ | .. | ad val. |
| Tiftik de Van | l'ocque | 10 00 | 0 80 |
| Tapis de Smyrne, dits d'Ouchak | „ | 25 20 | 2 01 |
| Feutres, dits Zéli d'Ouchak | „ | 19 40 | 1 55 |
| „ de Carahissar, blancs et de couleur | la pièce | 12 30 | 0 98 |
| Os d'animaux | le quintal | 10 00 | 0 80 |
| Bonnets de Tunis, grands, supérieurs et inférieurs | le paquet de 4 | 113 30 | 9 06 |
| „ petits | la douzaine | 113 30 | 9 06 |
| „ Médjidiés | le paquet de 4 | 66 70 | 5 33 |
| Tapis dits Séis-hané, grands | la pièce | 49 30 | 3 94 |
| „ „ petits | „ | 26 30 | 2 10 |
| „ à l'usage de l'armée, dits Kilim | „ | 13 10 | 1 04 |
| Feutres de Salonique | l'ocque | 19 70 | 1 57 |
| Têtière, brides, mors, croupière, martin- gale et sangles | la dizaine | 52 50 | 4 20 |
| Selles en bois | la pièce | 4 00 | 0 32 |
| Balais (hacir supurguèci) | la charge de 2,000 | 1314 00 | 105 12 |
| Sangles simples | l'ocque | 26 30 | 2 10 |
| Cuillers en buis, noires et blanches | „ | 4 90 | 0 39 |
| „ en corail et en nacre | la dizaine | 9 80 | 0 78 |
| „ en bois ordinaires | l'ocque | 2 60 | 0 20 |
| Tasses dites Findjan, de Cutahié | la couffe | 98 50 | 7 88 |
| Amadou dur | l'ocque | 26 30 | 2 10 |
| „ mou | „ | 6 50 | 0 52 |
| Chapelets de Jérusalem | „ | 9 80 | 0 78 |
| Paniers pour enfants (sparterie) | le charriot | 361 30 | 28 90 |
| Pierres à fusil de Roumélie | les 2 toloums ; ocques 120 ; pièces 30/m. } | 492 80 | 39 42 |
| Poivron rouge | l'ocque | 4 00 | 0 32 |
| Pistolets de Prisren et Calcandelen | la paire | 29 50 | 2 36 |
| Couteaux, canifs, cise aux, et marteaux de Gabrova | les 2 boîtes de 120 ocques } | 473 00 | 37 84 |
| Bracelets en verroterie | les 1,000 | 49 30 | 3 94 |
| Gros drap, dit Chayak | l'archine | 3 30 | 0 26 |
| Lin d'Ismit | l'ocque | 3 30 | 0 26 |
| Feutres d'Ismit | la pièce | 13 10 | 1 04 |
| „ de Caissarié | „ | 16 40 | 1 31 |
| Thériaque fausse, imitation de l'altoun bâch | l'ocque | 26 50 | 2 12 |
| „ „ inférieure | „ | 13 30 | 1 06 |
| Encre ordinaire, liquide | „ | 2 70 | 0 21 |
| „ sèche | „ | 9 90 | 0 79 |
| Kulah (bonnets de feutre) de Constanti- nople | la pièce | 3 30 | 0 26 |
| Cordes à boyau | la dizaine | 15 20 | 1 21 |
| Ficelle | l'ocque | 9 90 | 0 79 |
| Parchemin | la pièce | 3 30 | 0 26 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en piastres et centimes. |
|---|------------------------------|--|--|
| | | Pts. cts. | Pts. cts. |
| Toile cirée pour fanaux | la pièce | 2 00 | 0 16 |
| Cuillers peintes | la dizaine | 6 60 | 0 52 |
| Marpoutch (tuyaux de narguilé) .. | „ | 59 60 | 4 76 |
| Licols | „ | 16 50 | 1 32 |
| Sacs en crin, dits Mouïtap, et ficelle de crin, de Roumélie et d'Anatolie .. | l'ocque | 7 80 | 0 62 |
| Tapis de Guèdès, petits tapis de Gueur- dos et d'Izladi, dits Calitcha, tapis de Coula et autres | .. | .. | ad val. |
| Tapis turkmen | la pièce | 128 60 | 10 28 |
| Chanvre d'Ismit | l'ocque | 2 40 | 0 19 |
| „ de Castambol | „ | 1 80 | 0 14 |
| Pointes | .. | .. | ad val. |
| Sangles brodées, larges et étroites .. | la dizaine | 58 50 | 4 68 |
| Galons de Constantinople | .. | .. | ad val. |
| Peignes en ivoire, de Constantinople .. | l'ocque | 123 30 | 9 86 |
| Filets de pêcheurs | .. | .. | ad val. |
| Poil de chèvre, noir, dit Platoun .. | .. | .. | „ |
| Fil de lin, dit Hamalati Tiré | l'ocque | 31 50 | 2 52 |
| Fil de poil de chèvre d'Angora, de toute qualité | „ | 25 90 | 2 07 |
| Pistolets de Prisren, première qualité .. | .. | .. | ad val. |
| Tous les articles d'Égypte | .. | .. | „ |
| <i>Manufactures variées, de soie, de soie et coton, de lin, de laine, de fil de chèvre et de coton.</i> | | | |
| Étoffe Sévâi d'Alep, supérieure | la pièce | 295 60 | 23 64 |
| „ moyenne | „ | 197 10 | 15 76 |
| „ ordinaire | „ | 65 70 | 5 25 |
| Étoffe en soie, dite Kitabi d'Alep et de Hama | „ | 29 50 | 2 36 |
| Aladja de Magnésie | la balle de 100 pièces | 385 70 | 30 85 |
| „ d'Alep | la pièce | 38 50 | 3 08 |
| „ de Tyré et de Bord | „ | 5 20 | 0 41 |
| „ de Damas et Kitabi et Tchitari .. | „ | 70 70 | 5 65 |
| Étoffe dite Ibrahimieh | „ | 57 90 | 4 63 |
| Boucassins de toutes couleurs, et Aladja de Hamid et Denizli | l'ocque | 14 20 | 1 13 |
| Coussins de Biledjik | la paire | 38 50 | 3 08 |
| Couvertures de sofa et coussins de Biledjik | „ | 57 90 | 4 63 |
| „ simples, de coussins de Scutari | .. | .. | ad val. |
| Coussins de Biledjik, brodés en clin- quant | la paire | 209 00 | 16 72 |
| Indiennes de Castambol et dessus de } couvertures } | la balle de 60 } pièces } | 566 50 | 45 32 |
| Dessus de couvertures en indienne, de Tokat et boucassins de couleur .. | la pièce | 6 30 | 0 50 |
| Bas ordinaires de yuruks | l'ocque | 18 90 | 1 51 |
| „ de Salonique et Drama | „ | 62 90 | 5 03 |
| „ d'Andrinople et de Zaara | „ | 37 80 | 3 02 |
| „ de Pazardjik et Philippopoli .. | „ | 94 40 | 7 55 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Medjidiés. | Quotité du droit en piastres et centimes. |
|--|---------------------------------|--|--|
| | | Pts. cts. | Pts. cts. |
| Bas et chaussettes de Volo | l'ocque | 88 10 | 7 04 |
| „ „ de couleur | .. | .. | ad val. |
| Coton filé de Smyrne, blanc et de couleur | l'ocque | 13 00 | 1 04 |
| „ d'Arghatch et du Détroit des Dardanelles | „ | 9 70 | 0 77 |
| Fil de lin d'Anatolie | „ | 13 00 | 1 04 |
| „ en matreaux | „ | 16 20 | 1 29 |
| „ de Marcoula | „ | 8 40 | 0 67 |
| „ de Keleb et de Surminé | „ | 16 20 | 1 29 |
| „ de Caradjalar | „ | 19 40 | 1 55 |
| „ de Bey-Bazar | „ | 16 20 | 1 29 |
| „ de Castambol, Guivé et Alaya de Monastir | „ | 9 70 | 0 77 |
| Ceintures en soie, de Tripoli | l'ocque | 262 80 | 21 02 |
| Tabliers de Hama, simples, dits Fouta.. | la paire | 46 70 | 3 73 |
| „ de Brousse, dits Pechtimal .. | „ | 16 70 | 1 33 |
| Ceintures de Tunis | la pièce | 46 70 | 3 73 |
| Indiennes de Chypres, macat et coussins, pour ameublement | l'assortiment | .. | ad val. |
| „ de Chypres, pour couverture de table et de lit | la pièce | 10 00 | 0 80 |
| „ de Chypres, pour matelas .. | „ | 13 30 | 1 06 |
| „ de Chypres, dites Fatla, bogtcha et coussins | „ | 13 30 | 1 06 |
| Essuie-mains de Chypres, dits Siledjiks | „ | 13 30 | 1 06 |
| Coutni de Damas.. .. | „ | 66 70 | 5 33 |
| „ d'Alep | „ | 53 30 | 4 26 |
| Abas d'Islimiè et de Zaara, brodés à 15 cordons de passementerie .. | „ | 40 00 | 3 20 |
| „ de Cazan, à 7 cordons id. | „ | 26 70 | 2 13 |
| Pantalons (chalvar) avec passementerie, pour cavalier | „ | 86 70 | 6 93 |
| „ ordinaires, à guêtres, adhérentes | „ | 40 00 | 3 20 |
| Vestes, ordinaires en abas, à 1 ou 3 cordons de passementerie, dites demir coparan | „ | 23 30 | 1 86 |
| Capotes en abas, de Philippopoli et de Zaara | „ | 73 30 | 5 86 |
| „ pour soldats, de Baloukecer, Pazardjik, et Philippopoli .. | la pièce de 11 pies | 22 00 | 1 76 |
| Abas de couleur, de Philippopoli, dits Sivri Caya et Cordon yaouz .. | { la pièce de 17 à 19 pies } | 43 30 | 3 46 |
| „ Tiftic d'Islimiè | la pièce de 11 pies | 53 30 | 4 26 |
| „ de Salonique, noirs et blancs .. | la pièce de 12 à 17 pies | 30 00 | 2 40 |
| Chaussons (terlics) en abas, grands .. | le paquet de 10 paires | 26 70 | 2 13 |
| „ „ „ petits .. | „ | 13 30 | 1 06 |
| Vestes dites „ Demir coparan, en abas tiftik, de moyenne qualité | la pièce | 33 30 | 2 66 |
| Chaussettes en abas (Caltchin) | le paquet de 10 paires | 66 70 | 5 33 |
| Bonnets en abas, dits Sconfa | le paquet de 10 | 10 00 | 0 80 |
| Abas d'Islimè, pour chaussettes | la pièce de 3 pies | 23 30 | 1 86 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|----------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Guêtres en abas, tiftik | la pièce | 46 70 | 3 73 |
| Abas noirs, d'Islimiè | la pièce de 9 à 11 pics | 36 70 | 2 93 |
| Chemises ordinaires, de Coniah.. .. | la pièce | 6 50 | 0 52 |
| Cabans dits Kèbè, ordinaires, de Zaara | l'ocque | 9 90 | 0 79 |
| Ihrams écarlates, pour ameublement .. | " | 39 40 | 3 15 |
| Essuie-mains de Karaferia | " | 39 40 | 3 15 |
| " de Guévè, dits Pechtimal | la paire | 9 90 | 0 79 |
| Toile dite Melez, de Brousse, pour che- mises | la pièce de 22 pics | 72 30 | 5 78 |
| Pechtimals de Guévè, dits Akbach .. | la paire | 7 90 | 0 63 |
| Siledjiks de Brousse, en Indienne .. | " | 9 90 | 0 79 |
| Hakirs de Brousse | la pièce | 65 70 | 5 25 |
| Chemises de Brousse, en Melez.. .. | " | 26 30 | 2 10 |
| Fil de soie dits eiirmé | l'ocque | 78 90 | 6 31 |
| Bonnets de Brousse, dits Coula.. .. | la pièce | 3 30 | 0 26 |
| Cabans de Zaara, fins | l'ocque | 26 30 | 2 10 |
| " d'Islimiè | la pièce | 65 70 | 5 25 |
| " en tiftic | " | 230 00 | 18 40 |
| " de Bosnie | " | 26 30 | 2 10 |
| " dits Dagb Guèbèci | " | 29 50 | 2 36 |
| Ceintures de Khamis | " | 39 40 | 3 15 |
| Fil de coton, rouge | l'ocque | 19 70 | 1 57 |
| " de Chio | " | 13 10 | 1 04 |
| Passementerie pour abas, de Roumèlie.. | " | 26 30 | 2 10 |
| " " de Volo | " | 39 40 | 3 15 |
| " en soie, de Volo.. .. | " | 262 80 | 21 02 |
| Toile de coton, de Merzifoun | la pièce | 16 40 | 1 31 |
| Étoffe dite Guézi, de Sparta et de Brousse | la pièce de 26 pics | 118 30 | 9 46 |
| Cabans, Kébé de Brassol | la pièce | 98 50 | 7 88 |
| Chali de Constantinople | la pièce de 27 pics | 178 70 | 14 29 |
| Étoffes dites Bin-Dalli | la pièce | 99 30 | 7 94 |
| " Danga-hané | " | 52 90 | 4 23 |
| " Tchitari, Coutnie et Hakirs de Constantinople | " | 66 20 | 5 29 |
| Aladja dit Véfa, supérieur | la pièce de 9 à 10 pics | 33 10 | 2 64 |
| " inférieur | " | 16 50 | 1 32 |
| Santa Marca, sort de Jaquette, ordinaire | la pièce | 19 80 | 1 58 |
| " petite | " | 9 90 | 0 79 |
| Melez et Gaze, de Constantinople .. | " | 66 20 | 5 29 |
| Indiennes de Constantinople | " | 16 50 | 1 32 |
| Gaze dite Djehré | " | 26 50 | 2 12 |
| Étoffe brochée, dite Péten | " | 198 50 | 15 88 |
| Essuie-mains, à broderie en faux .. | la paire | 6 60 | 0 52 |
| Tabliers en soie, dits Pechtimals, ordi- naires | " | 19 80 | 1 58 |
| Tabliers et essuie-mains, dits Akbach, de Constantinople | " | 10 60 | 0 84 |
| Mauchoirs blancs, dits Ustlucs | la pièce | 2 00 | 0 16 |
| Fil dit Tiréi-Gazazié | l'ocque | 52 90 | 4 23 |
| Essuie-mains en soie, de Constantinople, dits Qyrq Calem | la paire | 49 60 | 3 96 |
| Étoffe dite Abani, de Constantinople .. | l'un | 9 90 | 0 79 |
| Gaze eleklik, pour tamis.. .. | la pièce | 52 20 | 4 23 |
| Fil de Tiré, en coton de couleur .. | l'ocque | 19 80 | 1 58 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|---|---|--|---|
| | | Pts. cts. | Pts. cts. |
| Fil de Tiré, pour franges | l'ocque | 33 10 | 2 64 |
| Gaze dite Oyabâch | l'un | 7 90 | 0 63 |
| Étoffe dite Gulmez | la pièce | 82 70 | 6 61 |
| Passementerie dite Hucéini-khardj .. | l'ocque | 165 40 | 13 23 |
| „ en fil d'argent | „ | 99 30 | 7 94 |
| Étoffe dite Destar | la pièce | 9 90 | 0 79 |
| Pantalons à guêtres, dits Dizlics .. | „ | 26 50 | 2 12 |
| Toile dite Idaré | la pièce de 12 pics | 49 60 | 3 96 |
| „ de coton | „ | 13 30 | 1 06 |
| Chemises en toile de coton | la pièce | 9 90 | 0 79 |
| Caleçons „ „ | „ | 6 60 | 0 52 |
| Chemises en toile, dites melez | „ | 29 80 | 2 38 |
| Caleçons „ „ | „ | 23 20 | 1 85 |
| Indiennes pour dessus de couverture et essuiemains | „ | 6 60 | 0 52 |
| Passementerie | l'ocque | 49 60 | 3 96 |
| Couvertures de Tunis, blanches et de couleur, dite Batanié et Ihram .. | .. | .. | ad val. |
| Toile de Castambol, dite astar | { la balle de 60 pièces de 18 à 19 pics } | 450 00 | 36 00 |
| „ de Tach-keupru, „ | la pièce | 3 90 | 0 31 |
| „ de Hamid, „ | la balle de 60 pièces | 443 50 | 35 48 |
| Tabliers Akbach de Brousse, dits Pech- timal | la paire | 9 80 | 0 78 |
| Coussins de Brousse, dits Bélédi .. | „ | 19 60 | 1 56 |
| „ de Merzifoun, „ | „ | 26 10 | 2 08 |
| Tabliers de Salonique, dits Pechtimal .. | „ | 16 30 | 1 30 |
| Schals helali, de Tunis | la pièce | 97 80 | 7 82 |
| „ donlouks, „ | „ | 52 20 | 4 17 |
| „ blancs, „ | „ | 26 10 | 2 08 |
| „ de couleur, „ | „ | 32 60 | 2 60 |
| „ de Caradjalar | „ | 13 00 | 1 04 |
| Ceintures avec soie, dites Cherbab .. | „ | 97 80 | 7 82 |
| Chalis et sofs d'Angora, larges et étroits | la pièce de 32 pics | 424 00 | 33 92 |
| Ihrams en laine, de Roumélie, blancs et de couleur | l'ocque | 22 50 | 1 80 |
| Ceintures dites Bamri | la pièce | 77 20 | 6 17 |
| „ en soie, dites Cherbab | „ | 28 90 | 2 31 |
| Chalis de Tossia, et ceintures de Tallat . | .. | .. | ad val. |
| Nappes et serviettes de Hama, simples et brodées | la pièce | 257 20 | 20 57 |
| Tabliers de Brousse, dits Fouta.. .. | la paire | 32 20 | 2 57 |
| „ de Hama, brodées | „ | 128 60 | 10 28 |
| Toile de lin d'Anatolie | l'ocque | 12 80 | 1 02 |
| „ de Rizé | „ | 64 30 | 5 14 |
| „ inférieure | „ | 25 70 | 2 05 |
| Étoffe dite Abani, de Bagdad | la pièce | 64 30 | 5 14 |
| Étoffes dites Hakirs, Ibrahimiés et Ki- tabi, du Mont-Liban | la pièce de 9 à 10 pics | 41 20 | 3 29 |
| Toile de Castambol, dite Kemerlik .. | la pièce | 5 80 | 0 46 |
| Drap de lit de couleur, dits Teharchaf, de Magnésie | „ | 5 80 | 0 46 |

| Désignation des Marchandises. | Quantités tarifées. | Évaluation en piastres et centimes Médjidiés. | Quotité du droit en pias- tres et centimes. |
|--|-----------------------------|--|---|
| | | Pts. cts. | Pts. cts. |
| Toile de Guédos, large et étroite .. | le ballot de 50 à 55 pièces | 411 80 | 32 94 |
| " pour vêtement .. | la pièce | 7 00 | 0 56 |
| Tissus de laine, dits Tossia, Mouhayeri et Papas. | " | 29 40 | 2 35 |
| Toile alaya, large | " | 5 80 | 0 46 |
| " " étroite | " | 4 70 | 0 37 |
| " de Merzifoun | " | 5 80 | 0 46 |
| Astar de Guèvè, Sivas, Caïssarié et Gal- lipoli | " | " | ad val. |
| Ceintures de Hama | la pièce | 15 40 | 1 23 |
| Coutni de Brousse | " | 83 20 | 6 65 |
| Ceintures de Caradjalar, blanches et de couleur | l'ocque | 10 50 | 0 84 |
| Siledjiks et havlou de Brousse, grands et petits. | " | 33 90 | 2 71 |
| Sangles brodées, larges et étroites .. | la dizaine | 58 50 | 4 68 |
| Soie de couleur | l'ocque | 246 60 | 19 72 |
| Essuie-mains de Guèvè | " | 24 60 | 1 96 |
| Toile de Menemen | la pièce | 9 20 | 0 73 |
| Mouchoirs dits Calémkiars, de Constan- tinople, grands, première qualité .. | " | 6 20 | 0 49 |
| Mouchoirs dits Calémkiars, moyens .. | " | 4 60 | 0 36 |
| " " petits et or- dinaires | " | 1 50 | 0 12 |
| Soie dite Gazâzé de Constantinople .. | l'ocque | 308 20 | 24 65 |
| Mouchoirs dits Basma-Khana | les 20 mouchoirs carrés | 12 30 | 0 98 |
| " de Scutari | " | 27 80 | 2 22 |

Le Tarif d'Exportation de l'Empire Ottoman est le même pour les sujets de tous les pays.

Selon les dispositions du nouveau Traité de Commerce, les marchandises importées en Turquie (sauf les articles prohibés, comme il est dit plus haut) par les négociants Suédois et Norvégiens, de même que celles exportées par eux de ce pays, sont soumises à un droit de douane de 8 pour cent.

D'après le nouveau Traité les droits de douane devant être prélevés sur la valeur de la marchandise à l'échelle, on a fait subir aux évaluations, établies dans le principe, sur le prix de la vente *en gros*, le médjidié d'or *yuzluk*, compté à 100 piastres, un rabais de 10 pour cent, afin de ramener ces évaluations à leur valeur à l'échelle. Les droits de douane inscrits au présent Tarif sont donc calculés et établis sur la valeur *nette*, et seront perçus tels qu'ils sont portés ici.

Le droit de 8 pour cent, à l'exportation, n'est applicable qu'à la première année seulement de ce Tarif; il sera abaissé d'un huitième pour la seconde, et réduit à 7; d'un septième pour la troisième, et réduit à 6; c'est-à-dire qu'il y aura, chaque année, un rabais de 1

pour cent, jusqu'à la huitième année ; et que pour cette huitième année et les suivantes, le droit ne sera plus que de 1 pour cent, consacré, selon les termes du dit Traité, à la rémunération des frais.

Toute marchandise d'exportation non dénommée au présent Tarif, ouq ui s'y trouvant inscrite aura été laissée *ad valorem*, subira au préalable, comme il est dit plus haut, un rabais de 10 pour cent sur sa valeur courante ; et paiera ensuite la Douane sur sa valeur restante, sauf le rabais successif de 1 pour cent chaque année, de la même façon que les articles tarifés.

Les produits de Suède et de Norvège importés en Turquie, devant payer constamment 8 pour cent, toute marchandise d'importation non tarifée ou laissée *ad valorem* payera de même, constamment 8 pour cent, après le rabais préalable de 10 pour cent sur sa valeur.

Le paiement des droits d'importation et d'exportation sera effectué, comptant, en bonne monnaie d'or et d'argent, au taux du Gouvernement ; savoir : le *yuzluk* médjidié d'or à 100 piastres ; ses subdivisions, or et argent, de bon aloi, selon cette proportion, 66 médjidiés d'argent pour un médjidié d'or à 100 piastres ; et enfin, la monnaie étrangère au taux de l'hôtel de la monnaie (*zarbkhané*), d'après cette base.

Les négociants ayant à Constantinople la faculté de donner, à leur gré, du papier monnaie (*caïmé*) au plus haut cours de la Bourse, au lieu et place du médjidié d'or, à raison de 100 piastres, on se procurera, chaque jour, à cet effet, le Bulletin de la Bourse de la veille, indiquant combien il faut de piastres *caïmé* pour représenter un médjidié d'or. Ce Bulletin sera affiché publiquement en douane, et le *caïmé* sera reçu, en calculant combien il faut de piastres *caïmé* pour représenter un médjidié d'or, au plus haut cours indiqué dans le Bulletin précité.

Le paiement en *caïmé*, compté sur la base du médjidié d'or à 100 piastres, au lieu et place de monnaie de bon aloi, est actuellement réservé etres treint à la Capitale ; si, plus tard, le *caïmé* est mis en circulation dans les Provinces, il sera également reçu dans les Douanes des dites Provinces, de la façon indiquée plus haut pour les Douanes de Constantinople : c'est-à-dire, en calculant combien il faut de piastres *caïmé* pour représenter un *yuzluk* médjidié d'or à 100 piastres. Toutefois, comme on ne peut dès-à-présent, c'est-à-dire avant l'événement, établir de base sur l'inconnu, quant au mode de ce paiement, la question du mode de paiement du *caïmé*, dans les Douanes des Provinces, est, pour le moment, réservée ; et, s'il y a lieu, il sera pris, ultérieurement, entre la Sublime Porte et la Légation, telles mesures qu'exigeront les circonstances. Jusque là, les droits de Douane dans les Provinces seront perçus dans la modalité indiquée plus haut ; c'est-à-dire, le *yuzluk* médjidié d'or à raison de

100 piastres; ses subdivisions, de bon aloi, or et argent, sur la même proportion; 5 médjidiés d'argent, à 100 piastres, pour 1 médjidié d'or; et les monnaies étrangères au taux du *zarbkhané*, établi sur cette base.

Si les Agents de la Douane et les négociants ne peuvent s'entendre sur la valeur de la marchandise non-tarifée ou laissée *ad valorem*, et s'il a contestation, les droits de douane seront, selon l'ancien usage, acquittés en nature.

Le présent Tarif sera en vigueur à la Douane de Constantinople et dans toutes les autres Douanes de l'Empire, depuis le 1^{er} Mars, 1278 (13 Mars, 1862, à la franque), jusqu'à 1^{er} Mars, 1285 (13 Mars, 1869). Un an avant l'expiration de ce terme, c'est-à-dire, pendant le cours de la dernière année, chacune des parties aura le droit, vu les différences qui pourraient s'être produites dans la valeur des marchandises, de demander la révision du Tarif; passé le terme ci-dessus d'un an, si aucune des parties n'en a réclamé la révision, ce Tarif continuera à rester en vigueur pour 7 autres années.

Ainsi dressé et signé le présent Tarif, conformément à la décision intervenue entre la Légation de Suède et de Norvège et la Sublime Porte, ainsi qu'à *l'iradé* (sanction) Impérial rendu à cet effet.

Le 25 Ramazan, 1278 (26 Mars, 1862).

(L.S.) MEHEMED KIANI, *Président de la Commission, pour S.E. Ismail Pacha.*

(L.S.) MEHEMED KIANI, *en sa qualité personnelle.*

(L.S.) ESSEÏD MEHEMED KIAMIL.

(L.S.) ENVERI.

(L.S.) ETHEM.

(L.S.) ESSEÏD MEHEMED EMIN AALI,
Ministre des Affaires Étrangères de la Sublime Porte.

JEROME GLAVANY, *Commissaire de la Légation.*

GEORGES TIMONI, *Drogman de la Mission.*

O. M. BJÖRNSTJERNA, *Chargé d'Affaires de S.M. le Roi de Suède et de Norvège.*

OBSEVATIONS.

LA subdivision de la piastre Turque en centimes a été substituée dans le présent Tarif à l'ancienne subdivision en paras et aspres.

Les évaluations et tarifications sont donc faites, ainsi qu'il est indiqué dans les tableaux ci-après, en piastres et centimes médjidiés.

Les chiffres de la colonne "quotité du droit" sont établis, dans ce Tarif, à l'importation et à l'exportation, à raison de 8 pour cent sur l'évaluation de la marchandise. Permanents pour l'importation, ces chiffres seront abaissés successivement chaque année de 1 pour cent pour l'exportation, à partir de la seconde année, jusqu'à ce qu'ils soient réduits, pour la huitième année, à la taxe fixe et définitive de 1 pour cent.

L'ocque, qui se divise en 400 *drachmes*, équivaut à $1\frac{273}{1000}$ kilogramme.

Le quintal est composé de 44 ocques.

Le métical, composé de $1\frac{1}{2}$ drachme, équivaut à 4.77 grammes.

Le pic, appelé *endazé*, égale à $64\frac{1}{2}$ centimètres.

L'archine ou grand pic égale à $67\frac{1}{2}$ centimètres.

Le toloum (pour les fourrures) signifie 2 pièces.

Prix de la Banque des Monnaies.

Le £ sterl. vaut 110 piastres métalliques.

Le franc vaut $4\frac{17\frac{1}{2}}{40}$ piastres métalliques.

LOI de la Belgique du 18 Juin, 1850, sur le régime des Aliénés, modifiée par la Loi du 28 Décembre, 1873.—Bruxelles, le 25 Janvier, 1874.

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.

Vu l'Article III de la Loi du 28 Décembre, 1873, ainsi conçu :
" Article III. La Loi du 18 Juin, 1850, sera réimprimée au 'Moniteur,' avec les modifications résultant de la présente Loi ;"

Vu la Loi du 18 Juin, 1850, relative au régime des aliénés ;

Sur la proposition de notre Ministre de la Justice nous avons arrêté et arrêtons :

Article unique. La Loi du 18 Juin, 1850, relative au régime des aliénés, avec les modifications résultant de la Loi du 28 Décembre, 1873, sera insérée de nouveau au "Moniteur" dans les termes ci-après : —

CHAPITRE I.—*Des Établissements d'Aliénés.*

ART. I. Nul ne peut ouvrir ni diriger un établissement destiné aux aliénés sans une autorisation du Gouvernement.

La même autorisation est nécessaire pour le maintien des établissements actuellement existants.

II. Est considérée comme établissement d'aliénés, toute maison où l'aliéné est traité, même seul, par une personne qui n'a avec lui aucun lien de parenté ou d'alliance ou qui n'a pas la qualité de tuteur, de curateur ou d'administrateur provisoire.

III. Le Gouvernement n'accordera l'autorisation demandée qu'autant qu'il reconnaisse qu'il est satisfait aux conditions suivantes :—

1. Situation et locaux salubres, bien aérés, d'une étendue suffisante et d'une distribution convenable ;

2. Séparation des sexes et classement des aliénés de chaque sexe d'après les exigences de leur maladie et la nature des soins dont ils doivent être l'objet ;

3. Organisation d'un service médical et sanitaire et régime intérieur approprié aux besoins et à l'état des malades ;

4. *Nomination par le Gouvernement du personnel des médecins, sur la proposition des chefs ou directeurs des établissements, la députation permanente entendue ; le Gouvernement peut en tout temps ordonner la modification ou le remplacement de ce personnel en cas de négligence grave ou d'omission des devoirs imposés aux médecins par la présente Loi.*

Il fixe le montant de leur traitement à la charge des établissements, et en règle le mode de payement ;

5. *Cautionnement à fournir par les propriétaires des établissements ; ce cautionnement, dont le taux sera fixé par le Gouvernement, sur l'avis de la députation permanente, servira de garantie au remboursement des frais ordonnés d'office en cas de négligence ou de retard dans l'exécution des améliorations qui seront reconnues nécessaires, et pour couvrir les dépenses à faire en suite de la fermeture d'un établissement. Néanmoins cette disposition ne sera pas applicable aux établissements tenus par des administrations publiques.*

Ces conditions feront l'objet d'un règlement général et organique, approuvé par un Arrêté Royal, qui déterminera également les obligations auxquelles seront soumis les chefs ou directeurs des établissements et les cas où les autorisations pourront être retirées.

Ce règlement astreindra les fondateurs ou propriétaires actuels d'établissements à soumettre à l'approbation du Gouvernement les plans des établissements à créer, et ceux de toutes les modifications à introduire dans les établissements existants.

IV. Les établissements existants ou ceux qui pourront être fondés à l'avenir, qui ne satisferont pas aux conditions voulues, et dont les chefs ou directeurs refuseront ou seront dans l'impossibilité de les remplir, seront fermés, la députation permanente entendue et après enquête. Les aliénés qui s'y trouveront seront envoyés, dans

un établissement autorisé, au choix des personnes ou des autorités qui auront requis leur placement dans l'établissement supprimé et aux frais de qui de droit.

V. *Le Gouvernement pourvoira d'office à l'administration de l'établissement fermé, jusqu'à la sortie de tous les aliénés.*

VI. L'organisation de la Colonie de Gheel et d'autres semblables qui pourront exister ou se former par la suite, et le régime des aliénés qui y seront envoyés, feront l'objet d'un règlement spécial, approuvé par Arrêté Royal, qui prescrira, entre autres, le mode de placement et de surveillance et l'organisation du service médical.

Le Gouvernement règle le régime intérieur des établissements qu'il administre, ou qu'il pourra ériger lorsqu'il en aura reconnu la nécessité.

CHAPITRE II.—*Du Placement des Aliénés dans les Établissements et de leur Sortie.*

SECTION I.—*De l'Admission dans les Établissements d'Aliénés.*

VII. Le chef d'un établissement ne pourra recevoir aucune personne atteinte d'aliénation mentale que :

1. *Sur une demande écrite d'admission du tuteur d'un interdit, accompagnée de la délibération du conseil de famille, prise en exécution de l'Article DX du Code Civil ;*

2. *Sur une demande d'admission de l'autorité locale du domicile de secours d'un aliéné indigent ;*

3. *En vertu d'un arrêté de collocation pris par l'autorité locale compétente par application de l'Article XCV de la Loi Communale.*

Toutefois la collocation provisoire pourra, en cas d'urgence, être requise par le bourgmestre ou par le membre du collège qui le remplace. Le collège, dans ce cas, statuera lors de sa première réunion ou au plus tard dans le délai de 6 jours, conformément à l'Article V de la Loi Communale ;

4. *En exécution d'un réquisitoire d'un Officier du Ministère Public, dans le cas de l'Article XII ci-après ;*

5. *Sur une demande d'admission de toute personne intéressée indiquant la nature des relations et, le cas échéant, le degré de parenté ou d'alliance qui existe entre elle et l'aliéné.*

Cette demande devra être revêtue du visa du bourgmestre de la commune où l'aliéné se trouvera ;

6. *En vertu d'un arrêté de la députation permanente du conseil provincial, dans les cas des Nos. 2, 3 et 5 précédents.*

S'il y a urgence, cet arrêté pourra être porté par le Gouverneur seul, et il sera soumis à la députation permanente lors de sa première réunion.

VIII. Dans les cas des Nos. 2, 3, 4, 5 et 6 de l'Article pré-

cédent, il devra être produit un certificat constatant l'état mental de la personne à placer et indiquant les particularités de la maladie.

Ce certificat, pour être admis, devra avoir moins de 15 jours de date et être délivré par un médecin non attaché à l'établissement.

Néanmoins, en cas d'urgence, le certificat du médecin ne sera pas exigé au moment de la réception de l'aliéné; mais il devra dans ce cas être délivré dans les 24 heures.

IX. Tout individu qui conduira un aliéné dans un établissement sera tenu de faire transcrire, sur le registre mentionné à l'Article XXII, les pièces dont il devra être porteur aux termes des Articles VII et VIII.

L'acte de remise, tant de ces pièces que de la personne de l'aliéné, sera écrit devant le conducteur et signé tant par lui que par le chef de l'établissement, qui lui en remettra une copie certifiée pour sa décharge.

X. Dans les 24 heures de l'admission d'un aliéné, le chef de l'établissement en donnera avis par écrit :

1. Au Gouverneur de la Province;
2. Au Procureur du Roi de l'Arrondissement;
3. Au Juge de Paix du Canton;
4. Au Bourgmestre de la Commune;
5. Au Comité de Surveillance de l'établissement mentionné à l'Article XXI ci-après.

Pareil avis sera donné, dans le même délai, au Procureur du Roi de l'arrondissement du domicile ou de la résidence habituelle de l'aliéné, et ce Magistrat en informera l'autorité locale, qui en donnera immédiatement connaissance aux plus proches parents connus et aux personnes chez lesquelles l'aliéné avait son habitation, chaque fois que l'ordre ou la demande de séquestration sera émané de l'une des autorités ou des personnes mentionnées aux Nos. 2, 3, 5 et 6 de l'Article VII.

XI. Pendant chacun des 5 premiers jours de son admission, l'aliéné sera visité par le médecin de l'établissement.

Celui-ci consignera sur un registre à ce destiné, coté et parafé comme il est dit à l'Article XXII, ses observations et le jugement qu'il en aura tiré, et en transmettra, le sixième jour, une copie au Procureur du Roi de l'arrondissement.

Il consignera ultérieurement sur le même registre, au moins tous les mois, les changements survenus dans l'état mental de chaque malade.

XII. *Le Gouvernement désignera un établissement public, ou traitera avec un établissement privé, pour le placement des prévenus, accusés ou condamnés qui seraient reconnus en état d'aliénation mentale.*

Ceux-ci y seront transférés sur la réquisition de l'Officier du

Ministère Public compétent près la Cour ou le Tribunal saisi de la poursuite ou dont émane l'arrêt ou le jugement.

En cas d'aliénation mentale, les détenus pour dettes et les accusés ou prévenus renvoyés des poursuites seront, sur la réquisition de l'Officier du Ministère Public compétent, colloqués dans le même établissement, à moins que les autorités ou les personnes chargés de pourvoir aux frais de leur entretien n'en désignent un autre.

SECTION II.—*De la Sortie des Établissements d'Aliénés.*

XIII. Lorsque le médecin de l'établissement aura déclaré, sur le registre tenu en vertu de l'Article XXII, que la guérison est opérée ou que la personne colloquée n'est pas atteinte d'aliénation mentale, le chef de l'établissement en donnera immédiatement avis, par écrit, à celui sur la demande duquel l'aliéné a été admis, au tuteur de l'interdit, ainsi qu'aux personnes et aux autorités qui ont été informées de son admission, aux termes de l'Article X.

Cinq jours après l'envoi de ces avis, la personne déclarée guérie ou non-aliénée sera mise en liberté.

XIV. Cependant le mineur, l'interdit, ou celui dont l'interdiction est provoquée ne seront remis qu'à la personne sous l'autorité de laquelle ils sont placés par la loi.

Les prévenus, accusés ou condamnés, et les détenus pour dettes, séquestrés dans les cas du No. 4 de l'Article VII et de l'Article XII, seront mis à la disposition du fonctionnaire qui aura donné l'ordre d'admission.

XV. Avant même que le médecin de l'établissement ait déclaré la guérison, toute personne retenue dans un établissement d'aliénés pourra toujours en être retirée par ceux qui l'y ont placée, sauf le cas de minorité ou d'interdiction, dans lesquels ce droit n'appartiendra, d'après les circonstances, qu'au tuteur, au curateur ou à l'administrateur provisoire, sans préjudice du droit du Ministère Public.

Toutefois, si l'aliéné est indigent, il sera agi à son égard d'après le prescrit de l'Article XVII de la Loi du 18 Février, 1845, sur le domicile de secours ("Bulletin Officiel," No. 14).

Si le médecin de l'établissement était d'avis que la sortie et le transport du malade exigent l'emploi de mesures spéciales, il y sera statué par le collège des bourgmestre et échevins du lieu de la situation de l'établissement.

Dans les 24 heures de la sortie, le chef de l'établissement doit en donner avis aux autorités mentionnées à l'Article X, leur faire connaître le nom et la résidence des personnes qui ont retiré le malade, son état mental au moment de la sortie, et, autant que possible, l'indication du lieu où l'on se propose de le conduire.

XVI. Si, avant l'expiration du délai fixé par le § 2 de l'Article XIII, il était fait opposition à la sortie, il y sera statué par la

députation permanente du Conseil de la Province dans laquelle l'établissement est situé.

XVII. *Toute personne retenue dans un établissement d'aliénés, ou toute autre personne intéressée, pourra, à quelque époque que ce soit, se pourvoir devant le Président du Tribunal du lieu de la situation de l'établissement, qui, après les vérifications nécessaires, ordonnera, s'il y a lieu, la sortie immédiate.*

La décision sera rendue en Chambre du Conseil, sur requête signée par la partie ou par son fondé de pouvoirs, et qui sera, au préalable, communiquée au Ministère Public et, par celui-ci, au fonctionnaire ou à la personne qui aura provoqué la séquestration. Le tuteur de l'interdit sera, dans tous les cas, entendu par le Président.

Il sera statué dans la même forme sur l'appel, qui pourra être interjeté, dans le délai de 5 jours, tant par la personne colloquée que par celle qui a provoqué la collocation et par le tuteur de l'interdit.

Tous les actes judiciaires ou extrajudiciaires à faire dans les cas prévus par le présent Article seront visés pour timbre et enregistrés gratis.

CHAPITRE III.—*Des Asiles Provisoires et de Passage et du Transport des Aliénés Indigents.*

XVIII. Les autorités communales pourvoiront au placement provisoire des aliénés en attendant leur transfert dans les établissements spéciaux qui leur sont destinés.

XIX. Les aliénés indigents, à leur passage par une commune étrangère pour se rendre au lieu de leur destination, seront logés, par les soins des autorités communales, soit dans les hôpitaux ou hospices de la localité, soit dans tout autre local convenablement disposé à cet effet.

Dans aucun cas ils ne pourront être déposés dans une prison, ni conduits avec des condamnés ou des prévenus.

XX. Les moyens de transport pour les aliénés indigents seront organisés conformément aux instructions que le Gouvernement transmettra à cet effet aux autorités locales.

CHAPITRE IV.—*De la Surveillance des Établissements d'Aliénés.*

XXI. Tout établissement d'aliénés ou tout asile provisoire ou de passage établi en exécution des Articles XVIII et XIX sont sous la surveillance du Gouvernement, qui les fera visiter, *tant par des fonctionnaires spécialement délégués à cet effet que par des comités permanents d'inspection chargés de veiller à l'exécution de toutes les mesures prescrites par la loi et par les règlements.*

Les établissements d'aliénés, ainsi que les personnes qu'ils renferment, seront visités, en outre, à des jours indéterminés, une

fois au moins :—1. Tous les 6 mois, par le bourgmestre de la commune ; 2. Tous les 3 mois, par le Procureur du Roi de l'arrondissement ; 3. Tous les ans, par le Gouverneur de la Province ou un membre de la députation permanente du Conseil Provincial délégué par le Gouverneur.

Les asiles provisoires et de passage seront inspectés une fois au moins par trimestre par le bourgmestre de la commune dans laquelle ils sont situés, et par le Juge de Paix du canton.

Ils pourront l'être également par les autres fonctionnaires mentionnés au présent Article.

XXII. Dans chaque établissement public ou particulier il sera tenu un registre, coté et parafé à chaque feuillet par le Procureur du Roi de l'arrondissement.

Le registre indiquera les nom, prénoms, l'âge, le lieu de naissance et le domicile, la profession de chaque individu placé dans l'établissement ; la date du placement, le nom, profession et demeure de la personne qui l'aura demandé, ou la mention de l'ordre en vertu duquel il aura eu lieu.

S'il a été nommé un administrateur provisoire des biens de l'aliéné ou un tuteur à l'interdit, le registre en contiendra l'indication.

Il contiendra également la transcription des certificats des médecins requis pour l'admission, la date et la cause de la sortie, et tels autres renseignements que pourra prescrire le Gouvernement.

Ce registre sera présenté, à chaque visite, aux personnes chargées de la surveillance ou de l'inspection de l'établissement, qui y apposeront leur visa, et y consigneront leurs observations, s'il y a lieu.

Tous les 3 mois, un extrait de ce même registre, ainsi que de celui dont la tenue est prescrite par l'Article XI, sera adressé à la personne ou à l'autorité qui a fait placer l'aliéné dans l'établissement.

Ces registres ne pourront être communiqués à aucune personne étrangère à l'établissement ou non préposée à sa surveillance, sans une autorisation spéciale du Ministre de la Justice.

XXIII. *Chaque chef d'établissement et chaque Comité d'Inspection transmettront annuellement un rapport à l'administration supérieure. Le règlement organique déterminera la forme de ces rapports et les renseignements qu'ils devront contenir.*

XXIV. *Le Gouvernement présentera, tous les 3 ans, aux Chambres Législatives, un rapport sur la situation des établissements d'aliénés du royaume.*

CHAPITRE V.—*Des Aliénés gardés dans leurs Familles.*

XXV. Nulle personne ne peut être séquestrée dans son domicile ou celui de ses parents ou des personnes qui en tiennent lieu

si l'état d'aliénation mentale n'est pas constaté par deux médecins désignés, l'un par la famille ou les personnes intéressées, l'autre par le Juge de Paix du canton, qui s'assurera par lui-même de l'état du malade et renouvellera ses visites au moins une fois par trimestre.

Indépendamment des visites personnelles du Juge de Paix, ce Magistrat se fera remettre trimestriellement un certificat du médecin de la famille aussi longtemps que durera la séquestration, et fera d'ailleurs visiter l'aliéné par tel médecin qu'il désignera, chaque fois qu'il le jugera nécessaire.

CHAPITRE VI.—*Des Frais d'Entretien des Aliénés.*

XXVI. Le Gouvernement fixera, par un tarif, les frais de transport ; il fixera aussi annuellement la journée d'entretien des individus placés dans les établissements d'aliénés par l'autorité publique, ainsi que celle des aliénés indigents et des aliénés passagers dans le cas de l'Article XIX.

XXVII. Les dépenses énoncées en l'Article précédent seront, en ce qui concerne les aliénés non indigents, à la charge des personnes placées ; à défaut, par elles, de pouvoir les supporter, elles seront à la charge de ceux auxquels il peut être demandé des aliments, aux termes des Articles CCV et suivants du Code Civil.

Toutefois, en ce qui concerne les aliénés prévenus, accusés ou condamnés, les dites dépenses seront supportées par l'État.

XXVIII. À défaut ou en cas d'insuffisance des ressources énoncées en l'Article précédent, il y sera pourvu soit sur le revenu de fondations spéciales, s'il en existe, soit sur celui des établissements des hospices ou de bienfaisance, et, au besoin, par les communes du domicile de secours des aliénés, conformément à l'Article CXXXI de la Loi Communale.

Les Provinces et l'État interviendront par voie de subsides, lorsqu'il sera reconnu que les communes n'ont pas les moyens d'y pourvoir sur leurs ressources ordinaires.

CHAPITRE VII.—*De l'Effet du Placement de l'Aliéné sur l'Administration de ses biens et sa capacité de contracter.*

XXIX. Les personnes qui se trouveront placées dans des établissements d'aliénés, et qui ne seraient ni interdites ni placées sous tutelle, pourront, conformément à l'Article CCCCXCVII du Code Civil, être pourvues d'un administrateur provisoire par le Tribunal de Première Instance du lieu de leur domicile, sur la demande des parents, de l'époux ou de l'épouse, sur celle de la commission administrative ou sur la provocation d'office du Procureur du Roi.

Cette nomination n'aura lieu qu'après délibération du conseil de

famille et sur les conclusions du procureur du Roi. Elle ne sera pas sujette à l'appel.

Les dispositions du Code Civil sur les causes qui dispensent de la tutelle, sur les incapacités, les exclusions, les destitutions et les comptes des tuteurs, ainsi que celles de la Loi du 16 Décembre, 1851, sur les garanties à fournir par eux, sont applicables à l'administrateur provisoire nommé par le tribunal.

XXX. Les commissions administratives ou de surveillance des hospices ou établissements d'aliénés exerceront de plein droit, par celui de leurs membres qu'elles désigneront, les fonctions d'administrateurs provisoires à l'égard des personnes qui y sont placées, qui ne seraient ni interdites ni pourvues d'un tuteur, et auxquelles un administrateur spécial n'aurait pas été nommé conformément à l'Article précédent.

Le receveur des hospices remplira, à l'égard des biens de ces personnes, les mêmes fonctions que pour les biens des hospices.

Toutefois, les biens de l'administrateur délégué ne pourront, à raison de ses fonctions, être passibles d'aucune hypothèque. La garantie de son administration résidera dans le cautionnement du receveur chargé de la manutention des deniers et de la gestion des biens.

XXXI. *L'administrateur provisoire procédera au recouvrement des créances, à l'acquittement des dettes ; il passera des baux qui ne pourront excéder 3 ans ; il pourra, aux mêmes conditions qui sont prescrites pour le tuteur de l'interdit, accepter une succession sous bénéfice d'inventaire, emprunter et consentir hypothèque pour payer des dettes ; il pourra même, en vertu d'une autorisation spéciale accordée par le Président du Tribunal Civil, faire vendre le mobilier et représenter l'aliéné en justice, soit en demandant, soit en défendant, ainsi que dans les inventaires, comptes, partages et liquidations dans lesquels il serait intéressé.*

Les significations à faire à la personne placée dans un établissement d'aliénés pourront être faites à l'administrateur provisoire.

Les significations faites au domicile de l'aliéné pourront, suivant les circonstances, être annulées par les tribunaux.

Il n'est point dérogé aux dispositions de l'Article LXIV de la Loi du 20 Mai, 1872.

XXXII. À défaut d'administrateur provisoire, le Président, à la requête de la partie la plus diligente, commettra un notaire pour représenter les personnes non interdites et non pourvues d'un tuteur, placées dans les établissements d'aliénés, dans les inventaires, comptes, partages et liquidations dans lesquels elles seraient intéressées.

XXXIII. Les pouvoirs, conférés en vertu des Articles précédents, cesseront de plein droit dès que la personne placée dans un

établissement d'aliénés n'y sera plus retenue. Les pouvoirs conférés par la justice en vertu des Articles XXIX et XXXII cesseront de plein droit à l'expiration d'un délai de 3 ans, s'ils n'ont pas été renouvelés.

XXXIV. Les actes faits par toutes personnes pendant le temps qu'elles auront été retenues dans un établissement d'aliénés pourront être attaqués pour cause de démence, conformément à l'Article MCCCIV du Code Civil.

Les 10 ans de l'action en nullité courront à l'égard de la personne retenue, qui aura souscrit des actes, à dater soit de la connaissance qu'elle en aura eue après sa sortie définitive de la maison d'aliénés, soit de la signification qui lui en aura été faite après cette sortie, et, à l'égard de ses héritiers, à dater de la signification qui leur en aura été faite, ou de la connaissance qu'ils en auront eue depuis la mort de leur auteur.

Lorsque les 10 ans auront commencé à courir contre celui-ci, ils continueront de courir contre les héritiers.

CHAPITRE VIII.—*Dispositions Générales et Pénalités.*

XXXV. Aucune requête, aucune réclamation, adressées soit à l'autorité judiciaire, soit à l'autorité administrative, ne pourront être supprimées ou retenues par les chefs ou médecins d'établissements d'aliénés, ni par les directeurs des hospices ou les bourgmestres dans les cas des Articles XVIII et XIX.

XXXVI. Les arrêtés à prendre aux termes des Articles I, III, VI et XXVI, ainsi qu'en vertu de l'Article XXI, en ce qui concerne la nomination des membres des comités permanents d'inspection, seront précédés de l'avis de la députation permanente du Conseil de la Province où l'établissement est situé.

XXXVII. Les arrêtés à prendre par les administrations locales dans les cas des Nos. 2 et 3 de l'Article VII, et par les autorités provinciales dans le cas du No. 6 du même Article, seront, dans les 3 jours de leur date, transmis au Procureur du Roi de l'arrondissement où est domicilié l'aliéné, respectivement par le bourgmestre ou le Gouverneur.

Si l'arrêté de collocation ne doit pas être mis à exécution dans l'arrondissement du lieu du domicile ou de la résidence de l'aliéné, le Procureur du Roi transmettra immédiatement une copie de cet arrêté à son collègue de l'arrondissement où est situé l'établissement dans lequel le placement devra avoir lieu.

XXXVIII. Les contraventions aux dispositions des Articles I, IV, VII, VIII, IX, X, XI, XIII, XIV, XV, XXII, XXIII, XXXV de la présente Loi et aux arrêtés à prendre en vertu des Articles III et VI, qui seront commises par les chefs, directeurs ou préposés responsables des établissements d'aliénés et par les médecins em-

ployés dans ces établissements, seront punies d'un emprisonnement qui ne pourra excéder un an et d'une amende qui n'excédera pas 3,000 francs, ou de l'une ou de l'autre de ces peines, sans préjudice du retrait de l'autorisation accordée dans les cas prévus par les Articles III et VI, et indépendamment des poursuites qui pourront leur être intentées du chef de séquestration illégale, s'ils venaient à retenir une personne après sa guérison constatée et dont la sortie aurait été ordonnée ou autorisée conformément aux dispositions de la Loi.

Les mêmes dispositions pénales seront applicables aux parents ou tuteurs qui contreviendraient aux dispositions de l'Article XXV.

Notre Ministre de la Justice est chargé de l'exécution du présent Arrêté.

Donné à Bruxelles, le 25 Janvier, 1874.

LÉOPOLD.

Par le Roi :

T. DE LANTSHEERE, *Ministre de la Justice*.

ARRÊTÉ ROYAL de la Belgique portant nouveau Règlement Général et Organique sur le Régime des Aliénés.—Ardenne, le 1^{er} Juin, 1874.

LÉOPOLD II, Roi des Belges, à tous présents et à venir, salut.

Vu la Loi du 28 Décembre, 1873,* sur le régime des aliénés ;

Vu l'Arrêté Royal du 25 Janvier, 1874 ;*

Vu le rapport de la commission instituée pour la révision du Règlement Organique du 1^{er} Mai, 1851 ;

Sur la proposition de notre Ministre de la Justice, nous avons arrêté et arrêtons :—

Article unique. Le Règlement Général et Organique sur le régime des aliénés, approuvé par Arrêté Royal en date du 1^{er} Mai, 1851, est rapporté et remplacé par le Règlement annexé au présent Arrêté.

Notre Ministre de la Justice est chargé de l'exécution du présent Arrêté.

Donné à Ardenne, le 1^{er} Juin, 1874.

LÉOPOLD.

Par le Roi :

T. DE LANTSHEERE, *Ministre de la Justice*.

(ANNEXE.)

RÈGLEMENT GÉNÉRAL ET ORGANIQUE, PRIS EN EXÉCUTION DE LA
LOI SUR LE RÉGIME DES ALIÉNÉS.CHAPITRE PREMIER.—*Des Établissements d'Aliénés.*SECTION I.—*De l'Autorisation.*

ART. I. L'autorisation d'ouvrir un établissement d'aliénés est accordée par Arrêté Royal : elle est exclusivement personnelle.

Elle peut être accordée aux administrations publiques.

II. Toute demande d'autorisation doit être accompagnée d'un plan de l'établissement projeté, à l'échelle de 2 millimètres par mètre avec les coupes et élévations.

Le plan indique l'exposition des bâtiments, leur distribution intérieure, l'étendue et la division du terrain dont les aliénés auront la jouissance.

La demande fait, en outre, connaître le nombre des aliénés de chaque sexe, pensionnaires ou indigents, adultes ou enfants âgés de moins de 16 ans, que l'établissement est destiné à recevoir.

Ce nombre est fixé par un arrêté ministériel pour les établissements destinés à recevoir moins de 500 aliénés.

III. Les établissements affectés au traitement et à la garde des aliénés doivent réunir les conditions suivantes :

1. Situation et locaux salubres, bien aérés, accessibles à la lumière et au soleil ; eaux abondantes et de bonne qualité.

Étendue proportionnée à la population et aux exigences du service ; espace suffisant pour y établir une exploitation agricole ou horticole ; préaux et jardins suffisamment spacieux.

Distribution intérieure convenable : les aliénés agités ou bruyants, les malpropres et les épileptiques seront placés, autant que possible, au rez-de-chaussée et éloignés du centre de l'établissement.

Facilités pour la surveillance et le service domestique.

2. Séparation complète des sexes et des enfants âgés de moins de 16 ans.

Classement des aliénés de chaque sexe d'après les exigences de leur maladie et la nature des soins dont ils doivent être l'objet.

Dans les asiles dont la population excède 100 aliénés il sera établi 3 divisions : paisibles, agités, malpropres.

Il sera créée une subdivision pour chaque catégorie de 100 malades. Chaque subdivision aura, indépendamment du dortoir et du préau, au moins un réfectoire et une salle de réunion.

Le nombre des cellules d'isolement ne dépassera pas une cellule pour 100 aliénés.

3. Organisation d'un service médical et sanitaire ; infirmerie pour les maladies incidentes et infirmerie spéciale pour les malpropres.

Régime intérieur approprié aux besoins et à l'état des malades.

Dans tout établissement recevant des aliénés indigents, l'alimentation, le vêtement et le coucher sont réglés par un tarif fixé par arrêté ministériel.

IV. En ce qui concerne les détails relatifs aux arrangements intérieurs, les propriétaires des établissements se conformeront aux dispositions du règlement d'ordre intérieur mentionné dans l'Article XXIX du présent Arrêté et aux instructions de l'autorité supérieure.

V. Les aliénés payant pension seront séparés des aliénés indigents.

Chacune de ces deux catégories aura les divisions et subdivisions indiquées ci-dessus.

VI. Le cautionnement exigé par l'Article III, No. 5, de la Loi peut être fourni en numéraire ou en immeubles.

Un Arrêté Royal, pris sur l'avis de la députation permanente, en détermine le montant et la nature.

Les cautionnements en numéraire sont versés dans la caisse des dépôts et consignations.

VII. L'établissement autorisé ne sera pas livré à sa destination avant qu'il n'ait été justifié du cautionnement et qu'un arrêté ministériel, pris sur le rapport de l'inspection, le comité de l'arrondissement entendu, n'ait constaté la bonne et fidèle exécution des plans.

VIII. Toute modification aux plans approuvés ou aux conditions prescrites est soumise à l'approbation préalable du Ministre de la Justice et, s'il y a lieu, à l'autorisation royale.

IX. Les établissements ne peuvent recevoir des pensionnaires non aliénés.

SECTION II.—*Du Retrait de l'Autorisation.*

X. L'autorisation sera retirée s'il n'est pas satisfait aux conditions prescrites par la première section du présent Chapitre.

Elle peut l'être également :

1. En cas de contravention aux Articles VIII et IX ci-dessus ;

2. En cas de négligence grave dans l'accomplissement des obligations prescrites par la Section III ci-après.

XI. Le retrait de l'autorisation est prononcé par Arrêté Royal motivé, la députation permanente entendue, et après enquête à laquelle le propriétaire et le directeur sont appelés.

L'arrêté fixe le délai endéans lequel les aliénés devront être retirés. Ce délai expiré, ils seront placés, par les soins du Gouvernement, aux frais de qui de droit.

SECTION III.—*Du Service Administratif, Médical et Économique.*

§ 1.—*Du Propriétaire.*

XII. Celui qui a obtenu l'autorisation d'ouvrir un établissement

d'aliénés est considéré, pour l'application de la loi et des règlements, comme en étant le propriétaire et le chef.

XIII. Il est chargé de pourvoir à l'appropriation des bâtiments et à l'organisation du service administratif, médical et économique.

XIV. Le propriétaire réside dans l'établissement et en a la direction.

Il peut toutefois être autorisé à se faire remplacer par un directeur résidant, nominativement désigné.

Cette autorisation est accordée par Arrêté Royal.

§ 2.—*Du Directeur.*

XV. Le directeur est tenu de remplir les obligations qui lui sont imposées par la loi et par les règlements.

XVI. Le directeur tient le registre matricule mentionné dans l'Article XXII et transmet les avis prescrits par l'Article X de la Loi.

Il fait parvenir annuellement, dans le courant de Janvier, à l'administration supérieure un rapport sur la situation générale de l'établissement et les divers services soumis à sa direction.

§ 3.—*Des Médecins.*

XVII. Il est attaché au moins un médecin à chaque établissement.

Le médecin a la direction du régime des aliénés, au point de vue de l'art médical, de l'hygiène et de la discipline.

XVIII. Dans les établissements dont la population excède 150 aliénés, il y a au moins un médecin adjoint.

XIX. Les médecins adjoints sont sous les ordres du médecin principal.

XX. Les médecins sont nommés et révoqués par le Ministre, sur la proposition des chefs ou directeurs des établissements, la députation permanente entendue.

XXI. Le propriétaire, ni ses parents ou alliés en ligne directe ou en ligne collatérale jusqu'au 3^e degré inclusivement, ne peuvent être nommés médecins.

XXII. Des médecins étrangers ne sont admis à traiter des aliénés dans les établissements qu'à titre de consultants.

XXIII. Le montant du traitement des médecins et le mode de paiement seront réglés ultérieurement.

XXIV. Le médecin tient le registre prescrit par l'Article XI de la Loi.

Il fait une fois par jour la visite générale de l'établissement.

Il adresse annuellement au Gouvernement un rapport sur la situation au point de vue médical et hygiénique.

§ 4.—*Du Service Religieux.*

XXV. Le propriétaire propose les mesures à prendre pour qu'il soit pourvu aux besoins religieux de chaque aliéné, suivant le culte auquel il appartient.

Le médecin indique les aliénés auxquels la pratique libre et volontaire de leur culte ne peut être permise sans inconvénient.

§ 5.—*Des Gardiens et Surveillants.*

XXVI. Il y a au moins un gardien pour 10 aliénés, non compris le directeur, le comptable, le cuisinier et le portier.

La surveillance des femmes est toujours confiée à des personnes de leur sexe.

XXVII. Les gardiens ou surveillants portent un signe distinctif.

Ils sont placés sous l'autorité du médecin, pour tout ce qui concerne le service médical ou hygiénique, et sous celle du directeur, pour toutes les autres parties du service.

XXVIII. Une veille de nuit continue est organisée dans chaque établissement.

§ 6.—*Des Règlements d'Ordre Intérieur et de Service.*

XXIX. Il est soumis à l'approbation du Gouvernement un règlement d'ordre intérieur et de service, concernant notamment :

Les congés des directeurs et médecins, et leur remplacement en cas de vacance ou d'absence ;

Le service économique ;

La surveillance des aliénés ;

Les permissions de sortie des aliénés ;

L'organisation du travail ;

L'organisation du service religieux ;

Les distractions ;

Les moyens de contrainte ;

Les punitions ;

La correspondance des aliénés et les visites qu'ils peuvent recevoir.

XXX. Il est tenu, dans chaque établissement, un registre spécial où il est fait mention des cas de séquestration absolue, de punition ou de contrainte, et de la durée de celle-ci dans chaque cas.

Ce registre est communiqué chaque jour au médecin. Celui-ci le vise et y consigne ses observations, s'il y a lieu.

XXXI. Dans chaque établissement il est dressé un tableau indiquant par division, au 1^{er} Janvier, les noms, prénoms et domicile des aliénés, la date de leur entrée, ainsi que le numéro de leur inscription au registre matricule.

Une copie de ce tableau est transmise, dans le courant de Janvier, au comité d'inspection.

Les changements survenus dans le cours de l'année sont mentionnés au tableau, à mesure qu'ils se produisent.

CHAPITRE II.—*Du Placement des Aliénés dans les Établissements et de leur Sortie.*

SECTION I.—*De l'Admission dans les Établissements d'Aliénés.*

XXXII. Les Gouverneurs des Provinces font les diligences nécessaires pour s'assurer si, dans leurs circonscriptions respectives, il se trouve des aliénés qu'il y aurait lieu de colloquer dans l'intérêt de l'ordre et de la sécurité publique, ou dans l'intérêt de leur sûreté.

Dans ces cas et si la famille refuse d'y pourvoir, le Gouverneur provoque un arrêté de collocation, ou statue d'urgence, aux termes du No. 6 de l'Article VII de la Loi.

XXXIII. Les médecins des pauvres visitent, dans leurs circonscriptions respectives, les aliénés indigents qui leur sont signalés et, le cas échéant, informent l'autorité.

XXXIV. Le chef d'un établissement ne peut recevoir aucune personne atteinte d'aliénation mentale, si ce n'est dans les cas expressément déterminés par la Loi, et moyennant la production des pièces constatant l'accomplissement des formalités qu'elle prescrit.

XXXV. Les demandes d'admission, les réquisitions et les arrêtés de collocation indiquent, autant que possible, les nom et prénoms, l'âge, la profession, l'état civil, la filiation, le lieu de naissance et le domicile de l'aliéné.

Le bourgmestre n'appose son visa sur la demande de collocation qu'après avoir fait constater que l'aliéné se trouve sur le territoire de sa commune ; il en est fait mention à la suite du visa.

Il peut aussi exiger la production préalable du certificat médical.

XXXVI. Le certificat requis par l'Article VIII de la Loi ne peut être délivré soit par le mari, soit par un parent ou allié en ligne directe, soit par un héritier présomptif de la personne dont la collocation est demandée.

XXXVII. Il est joint au certificat médical un bulletin confidentiel, sous enveloppe cachetée, qui indique la cause connue ou présumée de la maladie et si des membres de la famille de l'aliéné ont été ou sont atteints d'une maladie mentale.

XXXVIII. L'entrée de tout aliéné qui se sera présenté volontairement est immédiatement portée à la connaissance du bourgmestre de la commune où l'établissement est situé.

Ce Magistrat fait visiter l'aliéné dans les 24 heures par un médecin non attaché à l'établissement.

XXXIX. Il est fait mention, dans le registre tenu en vertu de l'Article XXII de la Loi, de l'acte de remise prescrit par son Article IX et du procès-verbal dressé conformément à l'Article LXII du présent Règlement.

XL. Le directeur donne, dans les 24 heures *et par lettre recommandée*, avis de toute admission au Procureur du Roi de l'arrondissement du domicile ou de la résidence habituelle de l'aliéné. Ce Magistrat transmet immédiatement l'information prescrite par le dernier paragraphe de l'Article X de la Loi.

XLI. L'admission d'un aliéné dans les établissements affectés aux indigents ne peut être refusée, à moins que le maximum de la population autorisé ne soit atteint.

Dans ce cas l'aliéné peut néanmoins être admis provisoirement.

XLII. Les formalités prescrites pour l'admission des aliénés, ainsi que pour les informations à donner aux autorités, sont observées pour les étrangers.

Avis de la collocation est, en outre, donné dans les 24 heures au Département des Affaires Étrangères. Cet avis tient lieu de l'information prescrite par le dernier paragraphe de l'Article X de la Loi, si l'aliéné n'a pas de résidence en Belgique.

XLIII. Les registres prescrits par les Articles XI et XXII de la Loi sont tenus séparément pour les aliénés de chaque sexe.

XLIV. Dans les établissements désignés par le Gouvernement pour recevoir les aliénés prévenus, accusés ou condamnés, ceux-ci doivent être séparés des autres malades, à moins d'une autorisation expresse du Ministre de la Justice.

XLV. En cas d'aliénation mentale, les détenus pour dettes et les accusés ou prévenus renvoyés des poursuites rentrent dans la classe des aliénés ordinaires.

XLVI. Les directeurs des établissements sont préposés à la garde des aliénés prévenus, accusés ou condamnés et des détenus pour dettes; ils sont responsables de leur évasion.

XLVII. En cas d'évasion de tout aliéné, le directeur fait les diligences nécessaires pour sa réintégration dans l'établissement. Il donne immédiatement avis de l'évasion et, s'il y a lieu, de la réintégration à la personne qui a demandé l'admission, au Procureur du Roi, à l'autorité locale et au bourgmestre de la résidence habituelle de l'aliéné.

SECTION II.—*De la Sortie des Établissements d'Aliénés.*

XLVIII. Les avis à donner dans les cas prévus par l'Article XIII de la Loi sont envoyés, par lettres recommandées, aux personnes et aux autorités qui ont requis la collocation, à celles qui supportent les frais d'entretien et au tuteur de l'interdit.

XLIX. Si, dans la quinzaine, la députation permanente n'a pas

statué sur l'opposition qui serait faite à la sortie, la personne déclarée guérie ou non-aliénée sera mise en liberté.

L. L'aliéné colloqué est transféré dans un autre établissement, si la personne ou l'autorité qui pourvoit à son entretien le requiert.

LI. Toute demande pour la sortie ou la translation d'un aliéné doit être faite par écrit.

En cas de translation, le dossier des pièces relatives à l'aliéné, ainsi qu'un extrait du registre médical, est envoyé au directeur de l'établissement dans lequel l'aliéné est transféré.

LII. Le médecin peut, du consentement écrit de l'autorité ou de la personne qui a provoqué la séquestration, permettre, à titre d'essai, le déplacement temporaire de l'aliéné ou son renvoi dans sa famille.

LIII. Si le propriétaire d'un établissement autorisé abandonne cet établissement pour en occuper un autre, également autorisé, il peut y transférer les aliénés placés sous sa garde, sans avoir besoin d'ordres ou de certificats nouveaux.

LIV. La translation est portée à la connaissance des autorités mentionnées à l'Article X de la Loi et des personnes ou des autorités qui ont requis la collocation.

LV. Le délai de 5 jours, fixé par l'Article XVII de la Loi pour l'appel de la décision qui statue sur la demande de mise en liberté, prend cours à dater de la notification qui aura été faite de cette décision à l'intéressé.

LVI. En cas de décès d'un aliéné, le directeur en avertit, dans les 24 heures, les personnes qui ont demandé l'admission, ainsi que le comité d'inspection de l'arrondissement et le Procureur du Roi.

LVII. Les décès sont constatés, suivant les cas, conformément aux Articles LXXX et LXXXI du Code Civil.

LVIII. En cas d'accident ou de blessures graves, le médecin est tenu d'en donner immédiatement connaissance au Ministre de la Justice, au Procureur du Roi, et au comité d'inspection de l'arrondissement.

CHAPITRE III.—*Des Asiles Provisaires et de Passage et du Transport des Aliénés Indigents.*

LIX. Les frais d'établissement et d'appropriation des asiles provisoires et de passage à annexer aux hôpitaux ou hospices, conformément à l'Article XIX de la Loi, sont à la charge des communes.

À défaut d'hospices ou d'hôpitaux, ou dans le cas où il serait reconnu impossible d'y faire disposer les locaux convenables, l'autorité communale pourvoit au placement des aliénés.

LX. Le séjour des aliénés dans les asiles provisoires ou de passage ne peut être prolongé au-delà du temps nécessaire pour le

repos des aliénés ou pour l'accomplissement des formalités qui doivent précéder leur collocation définitive.

LXI. Les ordres délivrés par les autorités locales pour la translation des aliénés, les réquisitoires des officiers du Ministère Public, et les arrêtés de collocation portés par les députations permanentes et les Gouverneurs dans les cas spécifiés par l'Article VII de la Loi, désignent les gardiens chargés de conduire les aliénés et prescrivent le mode de transport, les heures du jour pendant lesquelles il s'opérera, la distance à parcourir chaque jour, le régime à observer par les malades, et les précautions dont ils devront être l'objet depuis leur départ jusqu'à leur arrivée à destination.

LXII. Les instructions mentionnées à l'Article qui précède sont remises au gardien de l'aliéné, visées par les administrations des lieux d'étape et présentées, à l'arrivée, au directeur de l'établissement.

Celui-ci fait constater par le médecin, qui en dresse procès-verbal, l'état dans lequel l'aliéné est arrivé.

En cas d'accident survenu à l'aliéné, le procès-verbal est adressé dans les 24 heures au Procureur du Roi.

LXIII. Les dispositions des Articles LX, LXI et LXII qui précèdent sont applicables aux aliénés non-indigents, qui peuvent aussi participer au bénéfice du séjour dans les asiles provisoires ou de passage, sauf remboursement des frais qu'ils auront occasionnés.

CHAPITRE IV.—*De la Surveillance des Établissements d'Aliénés.*

§ 1.—*Des Comités d'Inspection.*

LXIV. La surveillance spéciale des établissements d'aliénés et des asiles provisoires et de passage est confiée, dans chaque arrondissement, à un comité composé de 5, de 7, ou de 9 membres, y compris le commissaire de l'arrondissement, qui en fait partie de droit.

LXV. Les membres du comité sont nommés par Arrêté Royal, sur l'avis de la députation permanente du conseil de la province où l'établissement est situé.

LXVI. Le comité est renouvelé par moitié tous les deux ans.

L'ordre de la première sortie est déterminé par un tirage au sort.

Le membre nommé en remplacement d'un autre achève le terme de celui qu'il remplace.

Les membres sortants peuvent être nommés de nouveau.

LXVII. Le commissaire d'arrondissement préside le comité. Le Président a voix prépondérante en cas de partage.

LXVIII. Le Président fait les convocations, désigne le jour, l'heure et le local des séances. En cas d'empêchement, il désigne le membre chargé de le remplacer.

LXIX. Le comité choisit dans son sein un secrétaire.

LXX. Le Secrétaire est chargé de la tenue des procès-verbaux, des écritures en général et de la garde des archives. La correspondance est signée par le Président et par le Secrétaire.

LXXI. Le comité correspond avec le Ministre de la Justice, par l'intermédiaire du Gouverneur.

LXXII. Le comité réuni visite, au moins une fois par an, tous les établissements d'aliénés situés dans son ressort.

Dans l'intervalle de ses visites il répartit la surveillance dont il est chargé entre ses membres, de manière que chaque établissement soit visité au moins une fois tous les deux mois.

LXXIII. La surveillance des comités embrasse :—

Le maintien des règlements d'ordre intérieur ;

Le personnel des employés ;

Le régime économique, la nourriture, l'habillement, le coucher ;

Le régime hygiénique, la ventilation, le chauffage ;

Les écoles, les ateliers, les travaux ;

La tenue des registres ;

Les états statistiques prescrits ou demandés par l'administration supérieure ;

Les pièces relatives à l'admission et à la sortie, et en général l'exécution de toutes les mesures prescrites par la loi et par les règlements.

LXXIV. Les comités signalent aux Procureurs du Roi les mesures qu'ils croiraient utiles pour la protection de la personne et des biens des aliénés.

Ils sont chargés de l'enquête prévue par l'Article IV de la Loi.

LXXV. Les comités sont consultés sur les réformes et les améliorations à apporter dans les établissements dont la surveillance leur est respectivement attribuée, et ils communiquent au Ministre de la Justice les avis et les propositions que peuvent leur suggérer les visites dont ils sont chargés.

LXXVI. Les comités transmettent chaque année, dans le courant du premier trimestre, au Ministre de la Justice le rapport prescrit par l'Article XXIII de la Loi.

Ce rapport fait connaître la situation générale des divers services soumis à leur contrôle. Il contient, en outre, des renseignements détaillés sur les objets repris à l'Article LXXIII ci-dessus.

LXXVII. Le patronage fera l'objet d'une organisation particulière.

§ 2.—*Des Inspecteurs.*

LXXVIII. La surveillance générale des établissements d'aliénés est exercée par un inspecteur, nommé par Arrêté Royal, et qui reçoit ses instructions du Ministre de la Justice.

LXXIX. Le Ministre peut lui adjoindre des commissaires spéciaux.

CHAPITRE V.—*Des Aliénés gardés dans leurs Familles.*

LXXX. Lorsque, après l'accomplissement des formalités prescrites par l'Article XXV de la Loi, un aliéné est séquestré dans son domicile, dans celui de ses parents ou des personnes qui en tiennent lieu, le Juge de Paix en donne avis au Procureur du Roi.

LXXXI. Si le Juge de Paix estime que, dans l'intérêt de l'ordre et de la sécurité, il y a lieu de placer l'aliéné dans un établissement spécial, il en informe le Gouverneur.

LXXXII. La séquestration doit cesser dès que le médecin a déclaré qu'elle n'est plus nécessaire. Le médecin en avertit le Juge de Paix, qui informe le Procureur du Roi.

Lorsqu'un aliéné est retiré d'un établissement pour être traité dans sa famille, il en est donné avis au Juge de Paix.

CHAPITRE VI.—*Des Frais d'Entretien des Aliénés.*

LXXXIII. Les députations permanentes soumettent annuellement au Gouvernement, dans le courant du mois de Novembre, des propositions pour la fixation du prix de la journée d'entretien des aliénés indigents.

LXXXIV. Les frais d'entretien et de traitement des aliénés non-indigents sont réglés par des conventions particulières, au gré des intéressés. Toutefois, ceux-ci peuvent toujours réclamer l'application des tarifs mentionnés à l'Article précédent, si l'établissement reçoit des indigents.

LXXXV. Les frais de transport des aliénés, de même que les frais de leur entretien dans les asiles provisoires et de passage, seront payés par le directeur de l'établissement dans lequel l'aliéné est colloqué, sauf remboursement par les personnes ou les administrations tenues des frais d'entretien.

Seront payés et recouvrés de la même manière, les honoraires du médecin, s'il y a lieu, et les autres frais faits dans le cas des Articles XXXVIII et LVII du présent Règlement.

Les honoraires du médecin requis par le Juge de Paix, et les frais de déplacement de ce dernier, dans les cas de l'Article XXV de la Loi, seront payés et recouvrés suivant le mode fixé par l'Arrêté Royal du 11 Juin, 1853.

CHAPITRE VII.—*De l'Administration des Biens de l'Aliéné.*

LXXXVI. Le bourgmestre du domicile ou de la résidence habituelle de l'aliéné colloqué prend immédiatement les mesures nécessaires pour la conservation des biens de celui-ci.

Il informe le Juge de Paix de la collocation, et lui fait connaître les circonstances qui pourraient nécessiter son intervention.

LXXXVII. Il est pourvu à l'administration des biens de l'aliéné suivant les règles définies au Chapitre VII de la Loi.

LXXXVIII. Les formalités prescrites pour la nomination de l'administrateur provisoire et la délégation du notaire commis pour représenter l'aliéné seront observées au cas de renouvellement des pouvoirs dont ils sont investis.

LXXXIX. L'administrateur provisoire est comptable de sa gestion lorsqu'elle finit.

XC. Dans le dernier mois de chaque période triennale et avant qu'il puisse être procédé au renouvellement du mandat de l'administrateur provisoire, celui-ci est tenu de rendre un compte sommaire de sa gestion au conseil de famille, convoqué pour délibérer à cet effet.

Si l'administrateur provisoire n'est pas continué dans ses fonctions, la reddition des comptes sera poursuivie par son remplaçant.

CHAPITRE VIII.—*Disposition Générale et Pénalités.*

XCI. Les modèles des registres, états, rapports, et autres écritures à suivre, sont arrêtés, s'il y a lieu, par le Ministre de la Justice.

XCII. Les contraventions aux dispositions des Articles I, IV, VII, VIII, IX, X, XI, XIII, XIV, XV, XXII, XXIII, XXXV de la Loi et aux arrêtés à prendre en vertu de l'Article III, qui seront commises par les chefs, directeurs ou préposés responsables des établissements d'aliénés et par les médecins employés dans ces établissements, seront punies d'un emprisonnement qui ne pourra excéder un an et d'une amende qui n'excédera pas 3,000 francs, ou de l'une ou de l'autre de ces peines, sans préjudice du retrait de l'autorisation accordée dans le cas prévu par l'Article III de la Loi, et indépendamment des poursuites qui pourront leur être intentées du chef de séquestration illégale, s'ils venaient à retenir une personne, après sa guérison constatée, et dont la sortie aurait été ordonnée ou autorisée conformément aux dispositions de la Loi.

Les mêmes dispositions pénales seront applicables aux parents ou tuteurs qui contreviendraient aux dispositions de l'Article XXV.

Vu pour être annexé à notre Arrêté du 1^{er} Juin, 1874.

LÉOPOLD.

Par le Roi :

T. DE LANTSHEERE, *Ministre de la Justice.*

SPANISH DECREE, placing Foreign Vessels in the Islands of Cuba, Porto Rico, and the Philippines upon the footing of Spanish Vessels with regard to Port and Navigation Dues, on condition of reciprocity.—Madrid, June 4, 1868.

(Translation.)

IN view of the reasons put forward by the Minister for the Provinces beyond the Sea, and with the assent of the Council of Ministers, I decree as follows :—

ART. 1. In the matter of the payment of navigation and port dues, the vessels of all countries conceding the like advantage in their respective territories and Colonial possessions to vessels of the Spanish marine carrying from the ports of the Islands of Cuba, Porto Rico, and the Philippines, and from the ports of the Peninsula and adjacent islands, shall, in the said Islands of Cuba, Porto Rico, and the Philippines, be assimilated to Spanish vessels.

2. Reciprocity in the payment of the said dues shall take effect in the Provinces beyond the Sea with regard to the vessels of any country from the date of the insertion of the necessary order in the "Gazette."

Given at the Palace, June 4, 1868. Under the Royal hand.

CARLOS MARFORI,

Minister for the Provinces beyond the Sea.

CIRCULAR of the President of the Spanish Republic, placing Mexican Vessels on the footing of Spanish Vessels in the Islands of Cuba, Porto Rico, and the Philippines, in respect of Port and Navigation Dues.—Madrid, December 16, 1874.

(Translation.)

To the Governor-General of the Islands of Cuba, Porto Rico, and the Philippines.

SIR,

IN consideration of the communication from the Minister Plenipotentiary of Mexico, forwarded by the Secretariat-General of the Minister of State on the 17th of November last, requesting that the equal treatment provided in the Decree of June 4, 1868, may be granted in the Territories beyond the Sea to vessels coming from that Republic, in view of the fact that for some time past Spanish vessels have enjoyed certain advantages with regard to the rates of duty levied in the said country; the President of the Executive

Power of the Republic, taking into consideration the wish expressed by the said functionary, has been pleased to order that Mexican vessels shall in the Provinces beyond the Sea be considered as Spanish in the matter of the payment of port and shipping dues.

God preserve your Excellency many years.

Madrid, December 16, 1874.

ROMERO ORTIZ.

CORRESPONDENCE respecting Hostilities in the River Plate. (Argentine Republic, Brazil, Paraguay, and Uruguay. Blockade and Bombardment of Paysandú. Blockade of Ports of Salto, Monte Video, &c. Landing of British Troops to protect Banks at Monte Video. Mr. Gould's Mission to Paraguay to demand permission for British Subjects to leave that Country, &c.)—1864–1868.

Mr. Lettsom to Earl Russell.—(Received June 3.)

(Extract.)

Monte Video, April 27, 1864.

A FEW days ago one single copy of a Rio de Janeiro newspaper of the 8th instant was received here, containing an angry debate in the Imperial Chamber of Deputies on the 5th instant, upon the manner in which Brazilian subjects were treated in this country, and on the impossibility of the Brazilian Representative here obtaining any redress for their grievances.

On my calling on Senhor Loureiro, the Brazilian Minister, to ask for the loan of the newspaper, his Excellency told me he had not as yet been able to get a sight of it, but added that by the last English mail the Minister for Foreign Affairs had written to him, shortly stating what his Government proposed doing in consequence of the debate in question.

Senhor Loureiro said that a considerable Brazilian military force was to be stationed on the Rio Grande frontier, and that the object of this measure was threefold:—

1st. To prevent further infractions of the Brazilian territory by troops of the Oriental Government in pursuit of bands of General Flores' forces.

2ndly. To prevent assistance being given to the cause of the revolution in this country by persons of the Province of Rio Grande. And

3rdly. In order to have an army near the frontier, ready to act in case circumstances should arise making such a step desirable to be taken.

Senhor Loureiro added that he had been instructed by his Government to communicate this resolution to the Government of Uruguay, and that he had already done so.

On my seeing Señor de J. J. de Herrera to-day, upon another matter, his Excellency spoke to me upon this subject, and with considerable uneasiness.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received June 3.)

(Extract.)

Monte Video, April 29, 1864.

IN my despatch of the 27th instant I mentioned that a debate had taken place recently in the Brazilian Chamber of Deputies on the bad treatment of Brazilian subjects in this country, and on the impossibility of obtaining redress for those grievances.

In that debate one crowning instance of bad treatment of a Brazilian was cited by way of illustration.

It was stated that a Brazilian named Nunez had received 1,000 lashes by order of the Military Commandant of Paysandú, Colonel Leandro Gomez.

From a letter of the Brazilian Vice-Consul at Paysandú, dated the 16th March last, and published here in the official part of the Government paper "La Nacion" last night, it appears that this particular act of violence quoted never occurred.

The denial by the Brazilian Vice-Consul of Paysandú of this special charge of ill-usage was communicated by Señor J. J. de Herrera to the Brazilian Minister here on the 18th instant, and could not therefore have been known to the Brazilian Ministry at the time of the debate spoken of.

Colonel Leandro Gomez may possibly not have committed the violence laid in this case to his charge.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received June 20.)

MY LORD,

Monte Video, May 13, 1864.

I HAVE the honour to announce to your Lordship the arrival at this place of his Excellency Senhor José Antonio Saraiva, charged with an extraordinary mission to this Republic from the Empire of Brazil.

I have the honour to transmit to your Lordship herewith two printed copies of the speech delivered yesterday by Senhor Saraiva on presenting his letters of credence to the President of the Republic, and I likewise place in your Lordship's hands a translation of that speech.

I have further the honour to transmit to your Lordship two printed copies and a translation of the reply of his Excellency the President.

The precise view with which Senhor Saraiva has been directed to come hither has not yet transpired.

It may be fairly assumed, however, that this Mission has been decided on owing to the debate in the Chamber of Deputies in Rio de Janeiro, to which I alluded in my despatch of the 27th of April.

In my despatch of 29th of April I forwarded to your Lordship what I conceive to be a complete refutation of one of the charges of ill-treatment of a Brazilian subject by the military authorities of this country, that charge having been one of the most telling portions of that debate.

At least one of the other charges against the authorities of this Republic brought forward in that debate appears to be equally groundless.

It was stated that the arms over the Brazilian Vice-Consulate at Tacuarembó had been torn down and dragged through the streets, and that for this insult no redress could be obtained.

But unless I am greatly mistaken the true state of the case was as follows:—

Those Consular arms were torn down by a Brazilian subject, who tied them to the tail of his horse and dragged them through the streets, for which offence he was arrested and confined in jail till the Brazilian Vice-Consul at Tacuarembó interfered in his behalf and requested he might be set at liberty.

There are, as I understand, various other complaints likely to be touched on by Senhor Saraiva, to which equally satisfactory replies can be given; yet the grievances of which Brazilians in this country have to complain are so numerous that no hopes can be entertained that the Government of the Republic will be in a position to meet them all triumphantly, and should many of these complaints become the subject of debate I cannot but fear the discussion will prove likely to take a complicated turn.

Senhor Loureiro, the Brazilian Minister Resident, when calling on me a day or two prior to the arrival of Senhor Saraiva, asked me if it would not be a happy thing that a restoration of peace should be a consequence of the impending Extraordinary Mission.

I replied that a restoration of order in the Republic was a matter which he and I had of course equally at heart.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Thornton to Earl Russell.—(Received August 5.)

MY LORD,

Monte Video, June 26, 1864.

I HAVE the honour to transmit herewith, for your Lordship's information, copy and translation of a note which I have received from Senhor Berges, Minister for Foreign Affairs of the Republic of

Paraguay, in which his Excellency informs me that the Monte Videan Government has solicited the mediation of the Paraguayan Government for the amicable settlement of the international questions between this Republic and Brazil, which has caused the special Mission to Monte Video of Senhor Saraiva.

A similar communication was made to Senhor Saraiva by the Paraguayan Agent here, to whom the former replied that the Brazilian Government would doubtless appreciate the friendly interest taken by the President of Paraguay in the preservation of good relations between the two countries, but that he did not at present see the object of the proposed mediation, inasmuch as there existed no interruption of friendly relations between Brazil and the Republic of the Uruguay, but on the contrary he hoped to come to an amicable adjustment of all the questions at issue between them.

I have addressed a courteous answer to Senhor Berges' note, copy of which I have likewise the honour to inclose.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received August 19.)

MY LORD,

Buenos Ayres, July 12, 1864.

I HAVE the honour to inform your Lordship that Senhor Saraiva, who is the bearer of a letter of credence from the Emperor of Brazil to the President of the Argentine Republic, landed here on the 10th instant. Senhor Saraiva had yesterday a conference with the President, at which his Excellency requested me to be present, as were also the members of the Cabinet.

At this conference it was discussed what measures it might be expedient to take with regard to the present state of intestine commotion in the Republic of the Uruguay, and in consequence of the ill-success of our recent efforts to restore peace to that country.

Senhor Saraiva urged that the Argentine Republic and the Brazils should carry out a joint intervention for a limited time in the Republic of the Uruguay, should oblige the combatants to lay down their arms, should impartially preside over the election of new authorities in the country, and should give their support to the Government which might result therefrom, as long as the latter might require it. In this view Senhor Saraiva was supported by Señor Elizalde.

But the President dissented. His Excellency urged that the refusal of the Monte Videan Government to make peace with General Flores did not give a third Power a complete right to interfere, although the interests of the latter might be seriously prejudiced by the state of revolution which existed in the neighbouring

Republic. He thought, too, that a direct intervention would bring with it a deal of odium, would tend to establish the predominance of one party at Monte Video, and would, to a certain extent, render the intervening Power responsible for any errors or excesses which might subsequently be committed by the Government of the dominant party. His Excellency let it be further understood that an intervention would give rise to expenses which his Government would hardly be justified in incurring, and the Republic would be ill able to bear. He acknowledged, however, that Brazil had a right to obtain redress for the injuries done to her subjects, and to ensure their future protection by any means she thought proper, provided she did not infringe the stipulated independence of the Republic of the Uruguay; and his Excellency thought that the end sought to be attained by a joint intervention could be more safely brought about by indirect means.

Senhor Saraiva replied that he could not advise his Government to undertake alone an intervention in the affairs of the Republic of the Uruguay; that Brazil had already brought upon herself a vast amount of odium by her forced interference in the affairs of the River Plate States; and that if such an intervention were to take place, the Argentine Republic, as a neighbour deeply interested in the matter, ought to share the responsibility. The utmost he could recommend his Government to do would be to occupy the Northern States of the Republic of the Uruguay, in which a number of Brazilian subjects are established, or station a Brazilian force on the northern frontier, whence an expedition might be sent for the purpose of punishing any Uruguayan authorities who might be guilty of outrages upon Brazilian subjects.

The feeling of all who were present was that, should the civil war continue for many months longer in the Republic of the Uruguay, some more active measures would be rendered indispensable on the part of her neighbours. For the present, I gathered that the Argentine Republic would continue the coercive measures she has been employing at the Island of Martin Garcia, and that, without a direct intervention, Brazil would take measures, by reprisal or otherwise, to obtain satisfaction for the wrongs suffered by her subjects, and to ensure their future safety.

Senhor Saraiva has since informed me that, before taking active steps, he will apply to his Government for further instructions, for which purpose he is about to dispatch a steamer to Rio, of which I avail myself to forward this despatch to your Lordship.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received September 19.)

(Extract.)

Monte Video, August 10, 1864.

ON the 4th instant Senhor Saraiva, the Brazilian Envoy on a Special Mission, returned from Buenos Ayres, and on the day of his arrival his Excellency addressed to Señor Juan José de Herrera a very long note, setting forth the grievances of which his Government have to complain in this Republic.

Senhor Saraiva named a period of 6 days as the time for an answer to be given to his note, and added that if the reply were unsatisfactory ulterior measures would be resorted to by the Brazilian Government to obtain redress.

Yesterday evening Señor Juan José de Herrera returned to Senhor Saraiva his Excellency's note of the 4th instant, stating, among other things, that Senhor Saraiva's note above spoken of is conceived in such terms that it cannot be preserved in the archives of the Oriental Republic.

Señor J. J. de Herrera sent last night to the Spanish Minister, for his information and that of the Diplomatic Body here, a copy of his answer to Senhor Saraiva's note of the 4th instant.

The most practicable part of that answer may be stated thus:—His Excellency suggests that Brazil shall apply to some foreign Government to determine by arbitration whether the present is an opportune moment for Brazil to apply to the Republic for satisfaction for grievances, the great majority of which, if not all, are of several years' standing.

Señor J. J. de Herrera accompanied the copy of his reply to Senhor Saraiva by a short note addressed to the Spanish Minister, wherein he says to his Excellency he hopes Señor Creus and his colleagues will make themselves familiar with the contents of the accompanying document, as he or some of them may be called upon to act as arbitrator in the case.

I have not as yet been able to learn the opinion of my colleagues on this matter.

In another point of view, too, I find Señor J. J. de Herrera's note to Señor Creus objectionable. His Excellency states therein that he is about to send to Señor Creus a copy of Senhor Saraiva's note of the 4th instant.

As that note has been returned to the writer, I do not see with what propriety a copy thereof can be forwarded to Señor Creus and his colleagues for transmission to their respective Governments.

A note returned to its author cannot surely be communicated to as many different foreign Governments as there happen to be foreign Representatives residing in a capital.

I have the honour to forward to your Lordship herewith a copy and translation of Señor J. J. de Herrera's note to Señor Creus.

Senhor Saraiva, when with me to-day, told me he was about to address a final communication to Señor J. J. de Herrera, and that he should leave for Buenos Ayres to-morrow or next day (the 11th or 12th) to await the reply there.

I called upon Senhor Loureiro, the resident Brazilian Minister, on the 9th instant, before Senhor Saraiva had had the answer of the Monte Videan Government sent to him.

Our conversation naturally turned upon the probable character of the expected reply. Senhor Loureiro told me if it should prove not satisfactory his Government would have recourse to reprisals, in case of further illegalities being committed against Brazilians.

Since this despatch was begun I have received from Senhor Saraiva a copy of his notes of the 4th and 10th instant.

I have the honour to forward herewith to your Lordship the copy which Senhor Saraiva has placed in my hands of his note of the 4th instant addressed to Señor J. J. de Herrera, of which I have spoken at the commencement of this despatch.

I have further the honour to inclose two printed copies of Señor J. J. de Herrera's note of the 9th instant, addressed to Senhor Saraiva in reply.

I beg leave to transmit to your Lordship herewith the annexed copy and translation of Senhor Saraiva's note of the 10th instant, announcing to Señor J. J. de Herrera the termination of his Special Mission, and referring to the subject of reprisals, on which point I shall have the honour of addressing your Lordship in a separate despatch.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received September 19.)

(Extract.)

Monte Video, August 12, 1864.

THE Brazilian Consul-General called on me to-night, and spoke to me of "reprisals" as being about to be had recourse to by his Government in case further illegalities should be committed against his countrymen resident in this Republic.

I told him I was much interested in learning what those reprisals were to consist of, as, among other reasons, there are various English subjects carrying on the coasting trade under the Oriental flag, and I hoped, naturally, their property would not be interfered with.

He replied that this matter had been fully talked over, and that it was resolved not to meddle with property of that nature.

That the vessels of war belonging to the Oriental Government would be the chief objects of attack; that at Monte Video nothing

would be done, but that such towns as Salto and Paysandú might perhaps be taken possession of.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received September 19.)

MY LORD,

Monte Video, August 14, 1864.

THE Italian Minister, the Chargés d'Affaires of Portugal, of France, and myself met on the 12th instant at the house of Señor Creus, the Minister of Spain, to deliberate upon the answer to be returned by the latter to the note of Señor J. J. de Herrera, suggesting that one or more members of the Diplomatic Body here may possibly be called upon to bring about, by arbitration, a settlement of the difficulties existing between this Republic and Brazil.

I have the honour to transmit to your Lordship herewith copy and translation of the reply which we agreed upon should be given to Señor J. J. de Herrera.

Senhor Loureiro, the Brazilian Minister, was not present at this meeting.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—Señor Creus to Señor de Herrera.

(Translation.)

Spanish Legation, Monte Video,

M. LE MINISTRE,

August 12, 1864.

I HAVE lost no time in bringing to the knowledge of my colleagues MM. the Minister of Italy and the Chargés d'Affaires of Portugal, France, and England the note which your Excellency did me the honour to address to me on the 9th instant, in my character of senior member of the Diplomatic Body, with the object of setting forth the lamentable situation at which the painful disagreements had arrived between the Oriental Government and that of His Majesty the Emperor of Brazil.

The Diplomatic Agents above spoken of having met at my house, we have agreed on replying to your Excellency that we lament deeply that the proposal of arbitration drawn up by the Government of your Excellency should not have been accepted by the Envoy Extraordinary of His Majesty the Emperor of Brazil; and, in consequence, there is no reason to ask, with respect thereto, instructions from our respective Governments. While conveying to your Excellency the expression of the regrets of my colleagues and of myself, I cherish the flattering hope that the actual complications may yet arrive at a satisfactory solution.

I avail, &c.,

Señor de Herrera.

CARLOS CREUS.

Mr. Thornton to Earl Russell.—(Received September 19.)

MY LORD,

Buenos Ayres, August 11, 1864.

M. SARAIVA, Brazilian Minister on a special mission to the Republic of the Uruguay, having received instructions from his Government, left Buenos Ayres for Monte Video on the 3rd instant, with the intention of presenting a note to the Monte Videan Government, demanding satisfaction for many injuries suffered of late years by Brazilian subjects at the hands of Monte Videan authorities. This note, as I understand, was sent in on the 4th instant, with an intimation that an answer must be returned within 6 days.

M. Leal, the Brazilian Minister resident here, called on me the day before yesterday, and said that he had been requested by M. Saraiva to communicate to me the contents of the note which he had addressed to the Monte Videan Minister for Foreign Affairs. It is very long; but its most important points are demands for the punishment of military and police authorities who have committed outrages upon Brazilian subjects, the arrest and trial of others accused of crimes against them, due respect for the Brazilian Consular Agents, and a guarantee for the future protection of Brazilians residing in the Republic of the Uruguay. The note further contains a declaration that, if within 6 days a satisfactory answer shall not have been received, orders will be given to the Imperial Army and Navy to make reprisals upon Monte Videan citizens whenever a case may occur of a Brazilian being injured in his person or property in Monte Videan territory.

M. Barbolani, during his late visit here, endeavoured to persuade M. Saraiva to delay the execution of his instructions until the former should have carried out his intended interview with General Flores; but M. Saraiva replied that this would be out of his power, and urged, on the contrary, that the note he was about to send in might, rather than otherwise, tend to quicken the desire of the Monte Videan Government to come to terms with General Flores.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received October 1.)

MY LORD,

Monte Video, August 22, 1864.

In my despatch of the 13th instant I transmitted to your Lordship copy of a letter addressed by me to Senhor Loureiro, the Brazilian Minister, requesting him to be so kind as to favour me with explanations as to the manner in which the measures of reprisals which the Government of Rio de Janeiro contemplate having recourse to for the protection of Brazilian subjects may be likely to affect the interests of British subjects connected with this Republic.

I have now the honour to forward to your Lordship a translation of Senhor Loureiro's reply to my letter above spoken of.

His Excellency, it will be seen, states that neither the legitimate interests of British subjects nor those of the subjects of other foreign nations will be affected by the measures that his Government may have recourse to.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(*Inclosure.*)—*Senhor Loureiro to Mr. Lettsom.*

(Translation.)

Imperial Legation of Brazil,

M. LE CHARGÉ D'AFFAIRES,

Monte Video, August 20, 1864.

I HAVE the honour to acknowledge the receipt of the note which, in the absence of the Councillor J. A. Saraiva, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Brazil, on a special mission near the Government of this Republic, you do me the honour to address to me under date of the 13th instant, acquainting me that you had received and would lose no time in transmitting to Earl Russell the important documents which, by order of the Imperial Government, the said Councillor forwarded to you, with the view of making you acquainted with the situation arising out of the negative result of his mission.

In the latter portion of the note above spoken of, referring to the reprisals which the Imperial Government resolve to direct to be carried out, Mr. Lettsom expresses the wish to obtain explanations that may remove from his mind the apprehension that they may affect the interests of the numerous subjects of Her Britannic Majesty engaged in the internal and foreign commerce of this Republic.

I shall lose no time in forwarding to my Government the note of Mr. Lettsom. In the meanwhile it is extremely agreeable to me at once to satisfy the desire therein set forth in terms of so much courtesy.

The Government of the Emperor resolve to have recourse to the employment of reprisals (which is the method recognized by countries, and authorized by the law of nations for obtaining justice when it is denied) in consequence of the Oriental Government having refused to adopt the measures which are indispensable for the reparation of the oppressions and persecutions exercised against the Brazilians residing in this country, and with the view of guaranteeing their life and property, rendering thus effective the protection to which they have a right, and which the Government of the Republic will not insure to them.

These reprisals, then, both from their character and also from the twofold purpose to which they are destined, will be, of necessity, carried out against property held to be Oriental, it being entirely

foreign to the intention of the Imperial Government that the said reprisals should compromise the legitimate interests of the subjects of Her Britannic Majesty, or those of any other nationality.

Replying in this manner to your note, I avail, &c.,

W. G. Lettsom, Esq.

J. A. LOUREIRO.

Mr. Lettsom to Earl Russell.—(Received October 19.)

MY LORD,

Monte Video, September 1, 1864.

AFTER the Councillor Senhor Saraiva left for Buenos Ayres, as stated by me to your Lordship, Senhor Loureiro, the Brazilian Minister, told Señor J. J. de Herrera that, being desirous that matters should not take a still more complicated turn, he thought it proper to inform him that it would be advisable the Oriental vessels of war should not leave the ports where they are stationed, as should they do so the Brazilian navy had orders to stop them.

Señor J. J. de Herrera, as I learn, thanked Senhor Loureiro for this information; but I am informed that the President, on its being reported to him, said he could not undertake to give heed to such an intimation.

On the 26th August the Oriental war-steamer *Villa del Salto* was in the Argentine waters near Landa in the Uruguay, on duty by order of Colonel Leandro Gomez, Commander at Paysandú, when a Brazilian gun-boat hailed her with a speaking-trumpet, ordering her to stop, which she did not.

The Brazilian gun-boat then fired two shots, not in the direction of the steamer, to get her to stop; still she did not, and when the steamer had got a still further distance the gun-boat fired another shot. The *Villa del Salto* held on her course, however, and ultimately made for safety to Concepcion del Uruguay.

On this occurrence becoming known here, upon the 30th August Señor J. J. de Herrera sent to Senhor Loureiro his passports, with a request that he would quit the Republic within 24 hours.

Senhor Loureiro left for Buenos Ayres on the 31st August, to await there the orders of his Government.

Señor J. J. de Herrera in his note accused the Brazilian naval forces of thus giving direct assistance to General Flores.

This accusation Senhor Loureiro in his reply says he purposely abstains from discussing, contenting himself, as he states, with a simple denial of the charge.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received October 19.)

MY LORD,

Monte Video, September 4, 1864.

I HAVE the honour to acquaint your Lordship that the Govern-

ment here withdrew yesterday the exequatur of the Brazilian Consul-General, and that this gentleman has left for Buenos Ayres, to await there the orders of his Government.

I am unable to state for certain why the Oriental Government have taken this step at the present moment, as no further aggressions have been committed since the affair of the *Villa del Salto*, which circumstance led to the Brazilian Minister having his passports sent to him on the 30th August.

News had, however, just been received by the Government that the arms over the Brazilian Vice-Consulate at Salto had been pulled down on the night of the 31st August, and as it would be inconvenient that there should be an agent of the Empire here to complain of this indignity, the Brazilian Consul-General had his exequatur withdrawn without delay.

This, at least, I conceive to be the true explanation of the measure adopted.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Señor Bareiro to Earl Russell.—(Received October 31.)

(Translation.)

Legation of Paraguay, Paris,

MY LORD,

October 27, 1864.

IN compliance with the order of my Government I have the honour to address your Excellency, with the object of communicating some explanations upon the causes which have just now brought the relations between Paraguay and Brazil into a state which approaches war, and of laying before your Excellency the reasons which lead Paraguay to expect that the valuable sympathies of England will be given to her part in case the war should unhappily break out.

As the immediate antecedents of the conflict comprehend at the same time others of a more general and permanent nature, I consider it to be my duty to submit both of these, however briefly, to the consideration of your Excellency.

Paraguay having well-founded and sufficient reasons to consider the balance which protects the independence of the less-extended States of the Plata as menaced by the attitude which Brazil has lately assumed in regard to Monte Video, my Government has thought it to be essential to the defence of the country under its rule to make known in a respectful and friendly manner to Brazil, as it has done by its note of the 30th of August last, "that the Government of the Republic of Paraguay will consider any occupation of the Oriental territory by the Imperial forces, for the reasons declared in the ultimatum of the 4th of this month (August) to be injurious ('attentatorio') to the balance of the States of the Plata, which concerns the Republic of Paraguay as being the guarantee of

her safety, her peace, and her welfare ; and that it most solemnly protests against such act, rejecting at the same time all responsibility for the results of the present declaration."

Brazil having replied, through her Minister in Asuncion, " that no consideration would induce her to refrain from the fulfilment of the sacred mission " which she has assumed in the Banda Oriental of the Plata, my Government, strengthening its former protest, found itself obliged to add, on the 3rd of September, " that it will be its painful duty to carry its protests into effect, whenever the acts alluded to may confirm " this new assertion of the Brazilian Minister.

As the anticipated acts of aggression were soon carried into effect, according to the last intelligence from the Plata, it is to be presumed that hostilities have begun or will begin shortly.

The strong interest felt by Paraguay that her acts may be well appreciated by the great Powers of Europe, and more especially by that of Her Britannic Majesty, and the desire that her interest in this conflict with Brazil may be seen from the point of view in which they coincide entirely with those of the commerce of Europe in America, have given rise to these explanations of good and sincere friendship, which I have the honour to submit to your Excellency by the especial command of my Government.

Paraguay is perhaps the only American State which has received reproaches from her neighbours for her aversion to revolutions and for her steadfast attachment to external peace. In departing now from this line of conduct she does not yield to suggestions of agitation from without, since, though solicited by Monte Video to act in common with her towards Brazil, she has not thought it her duty to accede to this, but has determined to work by her own impulses and for her own interests, as acting in virtue of the liberty which she reserves entirely to herself.

The causes of the conflict, my Lord, into which Paraguay feels herself driven, are general and permanent, and it is on this side that she wishes to submit them to the consideration and to recommend them to the influence which liberal Europe may exercise in the maintenance of peace, which interests every one, by the benign action of its counsels addressed to those who abuse the relative superiority of their strength.

The conflict does not arise from the difference in the form of government, as Brazil would perhaps endeavour to persuade the monarchical Governments of Europe to believe in order to gain their sympathies. Before a Republic existed in America, Portugal and Spain were already divided by the same interests as those which now divide the American Governments, which have succeeded them in the dominion of both shores of the Plata.

These interests are no other than territorial interests, and although it may seem strange that Brazil should aspire to augment her vast soil at the expense of States of small territory, Europe has just witnessed an example of such aberration in the fate which two great Powers have inflicted on Denmark. And as the territory of the conflict between Paraguay and Brazil is a land of rivers, the commerce and navigation of Europe are compromised by it equally with those of interior or inland American territories. This, my Lord, is the living and sensitive side of the question, by virtue of which it deserves all the attention of the maritime and commercial States of Europe.

Rio de Janeiro, like other American capitals on the Atlantic, is inclined to keep for its own advantage the benefits of the monopoly which such capitals exercised for the profit of Portugal and Spain when they directed colonies belonging to those States. Obtaining afterwards the liberty of commerce with Europe, they endeavoured to apply it to their exclusive benefit by constituting themselves, as towards the interior regions of America, the indispensable and necessary organs of their intercourse with manufacturing and trading Europe. Paraguay, notwithstanding her political independence, would, by her geographical position, turn out to be the victim of this state of things, which, by its retrograde effects, would be equivalent to the old colonial rule which was destroyed for the good of the general interests of the two worlds. And this state of things, my Lord, would be realized on the day when the Oriental State of La Plata, the key to the navigation of the rivers falling into the Plata, should come, directly or indirectly, openly or clandestinely, into the hands of Brazil, and of the Americans, who connive at its policy in the Plata.

Europe would suffer equally from it in the development of its commerce, because two-thirds of South America are in the same case as Paraguay. When liberal Europe by its sympathies co-operated in the emancipation of these countries for the advantage of all the world, it was not in order that some privileged places on the coast should alone be accessible to free trade, but also the whole vast field of the natural riches which that part of the New World contains in its interior regions, accessible solely through the great rivers which Brazil and some other capitals of that coast would aspire to monopolize to the prejudice of the rest of America, and of direct trade between the two Continents.

England and France have always considered the independence and integrity of the Oriental State of Uruguay to be a guarantee of their free trade with the countries situated in the interior of South America, and it is well known that this consideration led to the idea of making the Oriental State independent of Brazil and of Buenos

Ayres, which State was, in 1826, an object of contention between the two countries, which would now perhaps be satisfied with dividing between them what one of them could not at that period take possession of to the exclusion of the other.

At the present time Paraguay does no more than appeal, for herself and for the countries which are in the same condition and in solidarity with herself, to that same influence which has been used by the Governments of England and France for the advantage of all, in more than one occasion like the present.

A policy whose sole object is to preserve intact and continually augment the liberty of living in close association with Europe cannot but have the sympathies of a Government so loyal and generous as that of Her Britannic Majesty.

At a time when Brazil, notwithstanding its monarchical forms, appeals to the Monroe doctrine, ostensibly in favour of American Republics, which would not perhaps desire to observe it for themselves, it is natural that Paraguay should seek, in the legitimate and civilized influence of England, a guarantee against the absorptions of certain American Powers, whose continental patriotism seems to consist in doing, on their own account and for their own advantage, the same thing which they accuse the pretended ambition of Europe of doing.

Although quite ready to give the Government of your Excellency all the explanations you may think proper to require of me relative to the question which is the object of this note, I flatter myself, my Lord, that those which I have given above will suffice to convince your Excellency of the spirit of justice, of moderation, and of respect for the right of others and of her own, with which Paraguay is acting in this difficult case touching Brazil.

I take, &c.,

Earl Russell.

CANDIDO BAREIRO.

Earl Russell to Señor Bareiro.

SIR, *Foreign Office, November 2, 1864.*

I HAVE the honour to acknowledge the receipt of your note of the 27th ultimo, upon the subject of the existing differences between Paraguay and Brazil, and the causes which have led to them; and in thanking you for your communication I have to state to you that Her Majesty's Government regret this state of things, and trust that some means may be found by which these disputes may be settled without an appeal to force. In the mean time Her Majesty's Government must reserve their opinion upon this difficult question.

You are of course aware that in case of the breaking out of war, certain duties are incumbent upon Her Majesty's Government

towards belligerents which will be scrupulously observed on the part of Her Majesty.

I am, &c.,

Señor Bareiro.

RUSSELL.

Mr. Thornton to Earl Russell.—(Received November 6.)

(Extract.)

Assumption, September 5, 1864.

I HAVE been requested by the Paraguayan Government to transmit to your Lordship copies of the inclosed correspondence between Señor Berges and Señor Vasquez Sagastume, Monte Videan Minister to the Republic, and between Señor Berges and M. Lima, the Brazilian Minister resident in this capital. This correspondence was communicated officially to myself and to my colleagues with a request that we would transmit it to our respective Governments, and the greater part of it has been published in the official newspapers issued in this capital.

Señor Berges' note to Señor Sagastume of the 30th ultimo contains a tolerably correct detail of the negotiations which have been carried on between the Republics of Paraguay and of the Uruguay since the invasion of the latter by General Flores. It is pervaded by a tone of complaint that the services offered by Paraguay have not been accepted by the Monte Videan Government, nor her goodwill and efforts to assist them duly appreciated; and it concludes by stating that the Paraguayan Government do not think it expedient to intervene for the present in favour of the Republic of the Uruguay against Brazil by assembling their naval and land forces in the waters and on the frontiers of that Republic, as solicited by Señor Sagastume; but that as they consider it indispensable to the equilibrium of the River Plate States that the independence of the Republic should not be assailed, they reserve it to themselves to attain this result by independent action.

In the same note Señor Berges states that Señor Lapido, formerly Monte Videan Minister at Assumption, had, in July 1863, proposed to negotiate a Treaty containing certain stipulations with regard to the Island of Martin Garcia which, as Señor Berges writes further on, would amount to a declaration of war against the Argentine Republic.

In another part of the note his Excellency declares that in September last Señor Lapido determined to go to Monte Video, stating his intention to send thence to General Urquiza a confidential agent who should endeavour to raise Entre Rios against the Argentine Government, or induce it to assist the Monte Videan Government against General Flores.

Adverting to the correspondence with M. Lima, your Lordship will perceive that Señor Berges, in his note of the 30th ultimo, declares that the Paraguayan Government cannot see with indiffer-

ence nor still less consent that, in execution of the alternative of the Imperial ultimatum, the Brazilian naval or land forces should occupy a part of the territory of the Republic of the Uruguay, temporarily or permanently. M. Lima, in his note of the 1st instant, declares that whilst the respect of the Brazilian Government for the independence of that Republic is proved by irrecusable facts, no consideration will prevent them from protecting the subjects of His Majesty the Emperor. In reply, Señor Berges, on the 3rd instant, repeats the protest contained in his note to M. Lima of the 30th ultimo.

In conversing upon this subject with Señor Berges, I manifested my conviction that Brazil had no intention, at least for the present, of attempting to absorb or assail the independence of the Republic of the Uruguay, and that I considered every nation had an inherent right to insist upon satisfaction for injuries done to her subjects, even though it should be at the expense of a war or of a temporary occupation of territory belonging to the aggressor.

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received December 3.)

(Extract.)

Monte Video, October 19, 1864.

I HAVE the honour to transmit to your Lordship a copy and translation of a note addressed by Dr. A. de las Carreras to the Diplomatic Body through the Italian Minister, Signor Barbolani, the actual senior member thereof, acquainting us that at Buenos Ayres there is preparing for the 17th instant an attack on this city, in combination with the forces under General Flores.

Up to this day, however, no such attack has been made.

Dr. de las Carreras further states that General Flores has recently had the assistance of two gun-boats of the Brazilian navy, which have brought him ammunition and other aid, and no doubt can be entertained, I conceive, that this is so.

His Excellency concludes his note by inquiring whether, in the case of such an attack being made, in the actual state of affairs between this Republic and Brazil, and the Argentine Confederation, the foreign Representatives will be willing to come to a determination in the sense of guarantees of order and external security.

I have further the honour to place in your Lordship's hands a translation of the answer given by Signor Barbolani, in the name of himself and colleagues, to Dr. de las Carreras' note.

Signor Barbolani states therein that, as on former occasions, the commanders of the different naval forces shall be invited to afford contingents for the safety of the banks and other public establishments, on notice being received from the Government of the Republic that the danger of internal commotion is imminent; but that with

respect to external security being impaired the Diplomatic Body must confine itself to the reserve of adopting, upon the fact occurring, the resolutions which the interests of their countrymen may dictate.

This entire question is one of peculiar embarrassment in this exceptional country, where there are next to no national interests, and where the Government is now seeking to obtain the aid of foreign Powers to help it out of a difficulty which is entirely of its own creating.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received December 3.)

MY LORD,

Monte Video, October 19, 1864.

IN my previous despatch of this date I had the honour of transmitting to your Lordship translation of a correspondence between Dr. A. de las Carreras and Signor Barbolani, the senior member of the Diplomatic Body, on the amount of assistance sought by the Government of the Republic in the case of internal and external security being impaired.

Dr. de las Carreras, as your Lordship will see by the annexed translation of a second note of his upon this matter, does not look upon the answer given on the 15th instant by the Diplomatic Body to his former application, of the day previous, as sufficiently explicit with respect to the question of the assistance to be afforded for the maintenance of external security.

His Excellency now asks for a more positive declaration on our part upon this point.

I have further the honour to forward to your Lordship translation of Signor Barbolani's answer to the renewed application of Dr. de las Carreras.

In this application Signor Barbolani acquaints his Excellency that as the Government can define neither the nature of, nor the time at which, the aggression feared is to take place, the Diplomatic Body must maintain a reserve; but that should such an attack as is dreaded be made prior to a declaration of war, the naval forces of their respective Governments would not see with indifference such a violation of international law.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received December 3.)

(Extract.)

Monte Video, October 21, 1864.

FROM the time that had elapsed without my receiving the letter from Baron de Tamandaré, spoken of in my despatch of the 17th instant, I hoped his Excellency, having thought the matter maturely

over, had come to the determination not to address that communication to me. In this I was mistaken.

On the 18th instant his Excellency's letter, of which I have the honour to forward to your Lordship a translation, came to hand.

The pretensions set up in that letter appear to me, in every point of view, to be inadmissible. Inadmissible as applicable to the present question; inadmissible as tending to establish a precedent from which complications cannot fail to arise; and inadmissible from being opposed to the first principles of established law.

I have the honour to inclose a copy of my reply to Baron de Tamandaré's letter.

All my colleagues have answered his Excellency essentially to the same effect.

Baron de Tamandaré's letter, as your Lordship will observe, is dated the 11th of October, but it was not delivered till the 18th instant.

His Excellency left Buenos Ayres on the 16th instant for the River Uruguay, I trust not to put in practice his threat of detaining and searching British and other merchant-vessels; but at any rate without awaiting the answers of my colleagues and myself to his application.

The Oriental Government having requested the consent of the Diplomatic Body to the publication of Baron de Tamandaré's letter and of our answers, we assented to that request. The whole of the documents were published to-day.

When with Dr. A. de las Carreras the other day, I observed to him I thought the answers of my colleagues and myself to the letter of Baron de Tamandaré would lead, probably, to a declaration of war against the Republic on the part of Brazil. He told me he agreed with me in that opinion, and that he should prefer matters taking that turn to their remaining in their present condition.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received December 3.)

MY LORD,

Monte Video, October 28, 1864.

I HAVE the honour to forward to your Lordship a translation of a note from Dr. A. de las Carreras to Signor Barbolani, requesting the Diplomatic Body to take measures for sending naval aid to La Colonia in this country, that town, where there are important foreign interests to be protected, being threatened by a combined attack by General Flores by land, and by Brazilian naval forces acting on the river.

I yesterday presented Rear-Admiral the Hon. Charles B. Elliot to the President, and took the opportunity of inquiring of his Excellency what was the latest news from the interior.

The President told me the latest information the Government had received was that General Flores is marching towards Durazuo, a town almost in the centre of the Republic.

I mentioned this circumstance at the meeting of the Diplomatic Body, held yesterday afternoon, to determine on the answer to be given to the note of Dr. de las Carreras, and I pointed out to my colleagues that this application on the part of the Minister for Foreign Affairs was the first demand addressed to us for help to maintain what this Government terms "external security;" that it was the first step taken towards asking us to fight all the battles of the actual Ministry at the various ports; and that we should not omit bearing in mind that Dr. de las Carreras had announced to us, officially, a combined attack upon Monte Video for the 17th instant, which had not however occurred.

After a conversation on these points, the answer of which I have the honour to inclose a translation was drawn up.

The concluding portion of this answer refers to various small piratical vessels that have been equipped at Buenos Ayres, where they have taken illegally the Oriental flag. These vessels have proceeded up the river, where they have already exercised acts of piracy upon coasting vessels sailing under the Oriental flag, but in which numerous foreigners residing here are interested.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—*Signor Barbolani to Señor de las Carreras.*

M. LE MINISTRE, (Translation.) *Monte Video, October 28, 1864.*

I HAVE lost no time in communicating to MM. the Chargés d'Affaires of Portugal, of France, of England, and of Spain, the note which your Excellency did me the honour of addressing to me under date of the day before yesterday.

The Diplomatic Body, after having deliberated maturely upon this communication of your Excellency, has charged me to give the following answer to your Excellency:—

Whatever might be our disposition to extend to other points of the Republic the protection that we have determined to grant to the port of Monte Video in the cases anticipated in my note of the 17th of this month, the danger particularly indicated by your Excellency appearing to be removed, according to recent information drawn from the best source, the Diplomatic Body is of opinion that for the present there is no call for taking any measures in this respect.

There remains the question of the general security of commerce and of river navigation, to which the Diplomatic Body thinks it opportune to call the attention of the Government of the Republic,

offering to it the concurrence of the foreign naval stations for the protection of interests of such importance against the acts of piracy already denounced by several Consular Reports and documents.

With this view we request your Excellency to be so good as to communicate to us an authentic list of the vessels that are legally authorized to carry the flag of the Republic.

I avail, &c.,

Señor de las Carreras.

R. ULYSSES BARBOLANI.

Mr. Lettsom to Earl Russell.—(Received December 3.)

MY LORD,

Monte Video, October 28, 1864.

MY previous despatch of this date was just signed when I received from Dr. Antonio de las Carreras the official notification, of which I inclose translation, of the entry of a Brazilian military force into the territory of this Republic.

I have further the honour to place in your Lordship's hands a copy of my reply to his Excellency's communication.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received December 3.)

MY LORD,

Monte Video, October 29, 1864.

IN my despatch of yesterday's date I had the honour of forwarding to your Lordship translation of a note addressed to Dr. Antonio de las Carreras by Signor Barbolani, in the name of the Diplomatic Body, on the subject of the vessels fitting out at Buenos Ayres under the Oriental flag, but at the expense of the Brazilian Government, and which are to be employed in the capture of coasting vessels sailing under the flag of this Republic in the River Plate and in the interior rivers.

I now have the honour to forward to your Lordship copy and translation of the answer of Dr. Antonio de las Carreras to Signor Barbolani's note above referred to.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—Señor de las Carreras to Signor Barbolani.

M. LE MINISTRE, (Translation.) *Monte Video, October 28, 1864.*

I HAVE rendered myself acquainted with satisfaction with the note that your Excellency has done me the honour to address to me this day in the name of the Diplomatic Body, whereby your Excellency replies to the one of this Department of yesterday's date, relative to the probable attack of the city of La Colonia by the forces of Don Venancio Flores in combination with the Brazilian squadron.

With respect to the first part of the said answer, I have no observations to make to your Excellency, since the Government trusts that Messieurs the members of the Diplomatic Body, watching with anxious care over the security of their subjects and of their interests, which are threatened by the unjust acts of war which Brazil is carrying out, will not permit that those acts shall be carried into effect in those centres of population in which there are found the greatest number and the richest portion of their interests.

Relative to the general security of commerce and of the river navigation, the Government receives with satisfaction the offer contained in the note to which I am replying; and that the effects which are desired may arise therefrom, I have received orders to state to your Excellency that the Republic not having, at present, any vessel armed for war, all those that may be seen thus in the waters of the River Plate, as well as in the rivers of the interior carrying the war-flag of the nation, are considered by the Government as piratical vessels, and as subject in consequence to the penalties established by public international law with respect to them.

In consequence, should the case arise that any of the vessels of the foreign naval stations should have to enter into the interior rivers of the Republic, or into its ports, to capture any of those vessels, the Government will not look upon this proceeding except as one that is very legitimate and necessary for the security of commerce, and for the freedom of river navigation; the Government not possessing, as it does not possess them at present, the means of making such capture effective.

Having thus complied with the order of his Excellency the President of the Republic, it is grateful to me to renew to the Chevalier Barbolani, &c.

Signor Barbolani.

ANTONIO DE LAS CARRERAS.

Mr. Lettsom to Earl Russell.—(Received December 3.)

MY LORD,

Monte Video, October 28, 1864.

I HAVE the honour to transmit to your Lordship herewith translation of a communication which I received this evening from Baron de Tamandaré, Commander-in-chief of the Brazilian naval forces in the River Plate, notifying to me the blockade of the ports of Paysandú and Salto, in this Republic.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—Vice-Admiral de Tamandaré to Mr. Lettsom.

M. LE MINISTRE, (Translation.) *Buenos Ayres, October 26, 1864.*

THE Government of His Majesty the Emperor of Brazil, my august Sovereign, in the desire to avoid every prejudice to commerce

and to the property of neutrals in the Oriental Republic, compatible with the indispensable exercise of the measures absolutely required to oblige the Government of Monte Video to attend to the just exigencies addressed to it, to guarantee the rights of its subjects, and to obtain the reparation due for the most unjustifiable acts of violence against their property, honour, and lives, ordered the Undersigned to limit the exercise of those measures to what is strictly necessary to oblige that Government to respect those rights and to give competent reparation.

It was in the exercise of that order of the Government of my august Sovereign that I had the honour to address myself to your Excellency on the 11th instant, making known to your Excellency what I was disposed to carry out.

The answer which I received from your Excellency lays open to me that the noble desires and sound intentions of my Government have not been either understood or appreciated, and that it is attempted to place it in the disagreeable position of not being able to reduce to the closest limits the inconveniences that neutrals have to suffer in this unexpected emergency.

Forced to do what your Excellency thinks necessary, and to avoid all discussion, which I do not hold to be opportune here, I find myself in the case of notifying to your Excellency that I am going to order the blockade of the ports of the Oriental Republic of the Uruguay, Salto and Paysandú, upon which, as I already informed your Excellency in my circular above mentioned, I have to operate in support of the Imperial army.

This blockade will be rigorously observed as long as there exist the motives which determined the Brazilian Government to take the attitude in which it finds itself from the denial of justice to its claims, and, in consequence, the naval forces under my orders will not permit that any vessel shall enter those ports, notifying to those that may present themselves the existence and the efficacy of the blockade, and those that may attempt to violate it being subject to what the principles of the law of nations establish.

To those that are at present in the said ports free exit will be allowed up till the 15th of next November.

I avail, &c.,

W. G. Lettsom, Esq.

BARON DE TAMANDARÉ.

Mr. Thornton to Earl Russell.—(Received December 3.)

MY LORD,

Buenos Ayres, October 29, 1864.

I HAVE the honour to transmit herewith, for your Lordship's information, translation of a letter addressed by the Brazilian Admiral on this station to M. Leal, relative to the object of

the circular addressed by him on the 11th instant to the Diplomatic Agents at Monte Video, and inclosing copy of another letter addressed to them on the 26th instant, announcing the blockade of the ports of Salto and Paysandú on the River Uruguay by the Brazilian naval forces. The Admiral's letter was communicated to me by my Brazillian colleague M. Leal. His letter of the 26th instant to the Diplomatic Agents at Monte Video will no doubt have been forwarded to your Lordship by Mr. Lettsom.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(*Inclosure*).—*Vice-Admiral de Tamandaré to M. Leal.*

(Translation.)

On board the Nitheroy, Buenos Ayres,

EXCELLENT SIR,

October 26, 1864.

YOUR Excellency is aware that when I addressed the circular of the 11th instant to the foreign Diplomatic Agents residing in Monte Video, requesting that they would prevent merchant-vessels sailing under their respective flags from carrying troops or munitions of war for the ports of the Oriental State north of the Rio Negro, I had in view the obtaining the knowledge whether those Agents agreed with me that reprisals would produce the desired end which I had proposed without recurring to a declaration of blockade, the exercise of which, however temperate and equitable it may be, becomes vexatious for neutrals, and much more alarming to commerce than the simple recommendation of the Foreign Agents to their subjects, as that would have satisfied me completely, being certain that it would not be eluded. After due thought I gave to that circular a confidential character, to enable the enlightened Diplomatic Agents an opportunity of making, in the same form, any observation that they should wish to make upon a subject which had in view the diminishing of the obstacles which would arise to their subjects by a vigorous blockade. They were not invited to co-operate in the coercive measures which the Government of Brazil in its perfect right had resolved upon undertaking against the Oriental Government, but pointing out to them a means of avoiding greater evils to their subjects. Contrary to my expectations, and in opposition to the usual practice, I saw published in the journals of Monte Video that very confidential circular, together with a reply from each of the Diplomatic Agents, before its coming into my hands, and, what was still stranger, that the intentions of the Government of Brazil were neither comprehended nor appreciated, a spirit of moderation in which the general interests were realized. When I declared that in view of such a proceeding I considered it my imperative duty to search every vessel that navigated the River

Uruguay, and seize all contraband of war that they may be carrying, and I clearly said that in case of opposition the Government of Brazil would place itself in the position which the laws of nations give it, and your Excellency well knows that I was awaiting that reply in order to decide upon what measure to adopt, I gave it clearly to be understood in the latter part that I had no desire whatever to interrupt the free navigation of the rivers, nor create difficulties, as much for their benefit as in the fulfilment of my duty. In view of this opposition it is my duty to reinforce the points which we intend holding as reprisals, and which have obliged me to adopt the resolution of ordering the blockade of the ports of Salto and Paysandú by the naval forces under my command, which will be stationed there, and make an effective blockade. I have the honour to inclose to your Excellency a copy of a circular that, with this date, I have sent to the said Diplomatic Agents resident in Monte Video, notifying them that the blockade is about taking place in the said ports, or as far as can be practicable in agreement with the principles which rule in such an affair, or that were sanctioned by the Congress of Paris, or in agreement with the precedents given by France and England in the River Plate. I trust that your Excellency will bring this note to the knowledge of the Argentine Government, as likewise to your colleagues accredited to the same Government.

I avail, &c.,

M. Leal.

BARON TAMANDARÉ.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. Dec. 7.)

SIR, *Admiralty, December 5, 1864.*

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Rear-Admiral the Honourable Charles Elliot, dated the 28th October, relating to the state of affairs in the Oriental Republic of Uruguay, and the arrangements made for the landing, if necessary, of armed parties from the ships at Monte Video for the protection of the several foreign Legations, and the banks and Custom-house in that city.

I am, &c.,

E. Hammond, Esq.

C. PAGET.

(Inclosure.)—Rear-Admiral Elliot to the Secretary to the Admiralty.

SIR, *Bombay, at Monte Video, October 28, 1864.*

ON my arrival in the river I found the revolutionary party under Flores had made apparent progress, the whole of the Republic of the Uruguay being in an unsettled state, trade paralyzed, and a general suspension of business in Monte Video.

In the beginning of the month it was reported that Flores was

marching to attack Monte Video; that he was accompanied by a body of Argentine filibusters; and that he would be assisted by the Brazilians.

This report created great alarm here; and the Government fearing disturbances in the town (especially from the Italian population, which is very large), should an attack take place from without, communicated with Mr. Lettsom and his colleagues, requesting that forces from the foreign ships-of-war might, under certain contingencies, be landed. This communication to the Diplomatic Body was made by the Minister for Foreign Affairs on the 14th. He stated that it had come to the knowledge of his Government that preparations for an attack upon Monte Video, to take place on the 17th, were being made at Buenos Ayres, to act in conjunction with the forces under Flores.

These preparations he attributed to Argentine and Brazilian assistance, and it was believed that the navy of the latter Power would support by sea the attack of Flores by land.

No such attack has taken place; but on the 18th Flores appeared on the high ground near the town, with his forces drawn up as if in preparation for an attack, with artillery in advance. A few round shot were fired into the town that night, but no further demonstration took place, and on my arrival at Monte Video on the 22nd instant he had already retired. He is now said to be moving towards the northern frontier of the Republic.

The reply of the Diplomatic Body to the Minister for Foreign Affairs was to the effect that, as on former occasions, the Commanders of the different naval forces should be invited to afford contingents for the safety of the banks and other public establishments, on notice being received from the Government of the Republic that the danger of internal commotion is imminent; but that with respect to internal security being impaired, the Diplomatic Body must confine itself to the reserve of adopting, upon the fact occurring, the resolutions which the interests of their countrymen may dictate.

On the 17th, Captain Crofton, of Her Majesty's ship *Satellite*, accompanied Mr. Lettsom to a conference with his colleagues; and it was there decided that, in conjunction with the Italian, Spanish, and French Commanders, he should make arrangements for the landing and distribution of armed parties.

I had previously instructed Captain Crofton that he might enter into such an arrangement in the event of his receiving a requisition to that effect from Her Majesty's Chargé d'Affaires, if he coincided with him in thinking such a step desirable.

Arrangements were accordingly made to land parties for the protection of the Legations, the banks, and the Custom-house; but

no disturbances have taken place to render it necessary to resort to this course.

I have, &c.,

The Secretary to the Admiralty.

CHAS. ELLIOT.

Mr. Lettsom to Earl Russell.—(Received December 22.)

(Extract.)

Monte Video, November 7, 1864.

IN my despatch of the 29th October I had the honour of transmitting to your Lordship translation of a letter addressed to me on the 26th ultimo by Vice-Admiral Baron de Tamandaré, Commander-in-chief of the Brazilian naval forces in the River Plate, notifying to me the blockade of the two ports Paysandú and Salto in this country.

I have now the honour to forward to your Lordship a copy of my answer to the above-mentioned letter of the Brazilian Commander-in-chief.

I have likewise the honour to place in your Lordship's hands a copy of a letter that I have written to Captain Colin A. Campbell, who, in the absence of Admiral Elliot (who is at present at Buenos Ayres), is the senior officer of Her Majesty's naval forces here, suggesting to him the propriety of his making the masters of British merchant-vessels in this port acquainted with the announced blockade of the ports spoken of.

Earl Russell.

W. G. LETTSOM.

(Inclosure 1.)—Mr. Lettsom to Captain Campbell.

SIR,

Monte Video, November 5, 1864.

I HAVE the honour to transmit to you herewith a translation of a letter addressed to me on the 26th ultimo by the Vice-Admiral Baron de Tamandaré, Commander-in-chief of the Brazilian naval force in the River Plate, notifying to me that he is about to establish a blockade of the port of Paysandú and of the port of Salto, in this Republic.

You will observe that his Excellency does not state to me from what date the blockade is to commence, and I have not subsequently received from the Baron any details upon this point.

My impression, however, is that up till yesterday the blockade has not been established.

In this state of affairs you may perhaps be of opinion that it would be advisable that the masters of the merchant-vessels in the port should receive notice through you of this blockade, although it may not be in your power to tell them whether it has begun.

My French colleague has informed me that he has taken a similar step with respect to the senior officer of the French naval force here.

I transmit to you, for your information, a copy of my answer to Baron de Tamandaré's letter.

I have, &c.,

Captain Campbell.

W. G. LETTSOM.

(Inclosure 2.)—*Mr. Lettsom to Vice-Admiral de Tamandaré.*

M. LE BARON,

Monte Video, November 4, 1864.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 26th ultimo, marked Circular, informing me that as I do not understand or appreciate the noble desires and sound intentions of the Government of Brazil as set forth in your Excellency's communication of the 11th October last, with respect to the searching and detaining of English vessels navigating these waters, the traffic of which vessels your Excellency announces to me in the last-mentioned letter that it is the intention of your Excellency to interfere with, on the plea of their carrying contraband of war, your Excellency now finds it necessary to notify to me the blockade of the ports of Paysandú and Salto, to effect which measure your Excellency is about to take steps.

In the case of Governments in Europe, or at other distant points, the pressing necessity for a blockade may render it requisite that such a measure should occasionally be had recourse to without a special reference to the distant Government concerned.

In the present instance, however, I cannot but lament that your Excellency should have resolved on taking the measure in question without referring the matter to the Imperial Government, a proceeding that would have entailed a delay of only a few days.

Had the Government of Rio de Janeiro been consulted upon the point, it may, I think, be assumed that, in the case of the measure being sanctioned, the notification thereof would have been duly published, that the time to be allowed for vessels to arrive from various ports, both near and distant, without being subject to the provisions of the blockade would have been specified, and that a period would have been probably announced from which the blockade is to commence.

Upon all these vital points British commerce is now, however, left absolutely in the dark.

All that I know is that on the 26th of last month your Excellency was about to issue orders for establishing the blockade spoken of, and that it was purposed to name up till the 15th of the present month for vessels now in the ports referred to to leave with their freights. But should this blockade have not yet commenced, it is clear that the 15th instant can no longer be held to be the period up to which the vessels in question may leave without molestation; for if 21 days were a necessary term to appoint on the 26th of October,

with that view, 21 days appear to be a no less necessary term at the present date.

I regret that your Excellency should have stated in your letter of the 26th of October that the noble desires and sound intentions of the Cabinet of Rio de Janeiro have not been understood and appreciated by me, because this statement forces me to confess that, not understanding those intentions, it is quite possible that I do not appreciate them properly.

What I saw in those intentions was a claim set up by Brazil, upon the shadowy plea of reprisals, to visit and perhaps detain British vessels while engaged in legitimate commerce, on the pretext of their carrying contraband of war, the indisputable fact being that no war exists. I observed, moreover, that your Excellency speaks of the fitness of neutrality being strictly maintained, when in truth those parties termed "neutrals" are but a fiction.

This being the light in which I view the question, his Excellency Baron de Tamandaré can hardly expect that I should have looked upon any interference with British commerce otherwise than as an act for which in my judgment Her Majesty's Government will hold the Brazilian Government responsible, as it will also, in my opinion, hold that Government responsible for any acts of violence and plunder that may be committed upon British subjects resident in this Republic, should they become sufferers (as other foreigners residing here have already been) from the conduct of the Brazilian forces now engaged in naval and military operations in this country, without a previous declaration of war.

I have, &c.,

Vice-Admiral de Tamandaré.

W. G. LETTSOM.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. Dec. 23.)

SIR,

Admiralty, December 21, 1864.

WITH reference to your letter of the 12th instant, inclosing despatches from Her Majesty's Chargé d'Affaires at Monte Video, relative to applications made to the Diplomatic Body at that city by the Government of the Republic of Uruguay for concurrence and support in certain contingencies arising out of the present hostilities between Monte Video and Brazil, and suggesting that the British naval authorities on the spot should receive full instructions for the protection of the persons and property of British subjects in the River Plate; I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of the instructions given to Rear-Admiral the Honourable Charles Elliot in this matter, and I am to request to be furnished with copies of any instructions that his Lordship may address to

Mr. Lettsom, in order that further directions in conformity therewith may be given to the Rear-Admiral. I am, &c.,

E. Hammond, Esq.

W. G. ROMAINÉ.

(Inclosure.)—*The Secretary to the Admiralty to Rear-Admiral Elliot.*

SIR,

Admiralty, December 21, 1864.

WITH reference to your letter of the 28th October,* reporting on the state of affairs in the Republic of Uruguay, and stating that after a conference between Mr. Lettsom, Her Majesty's Chargé d'Affaires at Monte Video, and his colleagues, arrangements had been made, in conjunction with the French, Italian, and Spanish naval officers, for landing armed parties for the protection of the Legations, the banks, and the Custom-house of the city, should disturbances render it necessary to resort to such a course; I am commanded by my Lord Commissioners of the Admiralty to acquaint you that Mr. Lettsom has transmitted to Earl Russell copies of the correspondence which had taken place up to the 29th October, between the Government at Monte Video and the foreign Diplomatic Body in that city, and in which the Government ask for support in the event of an attack being made on Monte Video or Colonia by the Brazilian forces and the revolutionary party under General Flores.

My Lords desire me to send, for your information and guidance, a copy of a letter from the Under-Secretary of State for Foreign Affairs, dated the 12th instant, requesting that the British naval authorities on the spot should be instructed to protect the persons and property of British subjects in the River Plate.

You will, therefore, limit the interference of the forces under your command to the cases mentioned in your letter, unless a requisition should be made by Her Majesty's Representative for protection from internal commotion at the desire of the Government of the Republic, and unless you should yourself agree in the policy of affording such protection.

My Lords desire that you will give similar instructions to the senior officer who may be in command of Her Majesty's vessels at Monte Video in case of your absence. I am, &c.,

Rear-Admiral Elliot.

W. G. ROMAINÉ.

Earl Russell to Mr. Lettsom.

(Extract.)

Foreign Office, December 24, 1864.

I HAVE consulted the proper Law Adviser of the Crown on the question discussed in your despatch of the 21st of October, regarding the Brazilian circular as to the measures proposed to be taken in connection with the hostile operations between Brazil and Monte Video.

I have now to state to you that it was competent to the Brazilian Government, in order to obtain justice for wrongs inflicted upon its subjects, to have recourse to reprisals against the Republic of Uruguay; but it was not competent to the Brazilian Government to stop, visit, or take any cargo whatever out of neutral vessels as a subsidiary means of accomplishing that end. This right of interfering with the commerce of the neutral is incident, and incident only, to a state of war; and you were so far right in the position which you assumed in your reply to Baron Tamandaré.

On the other hand, if the Brazilian Government had declared war with Monte Video, and at the same time notified their intention of not declaring a blockade, but of simply preventing neutrals from carrying contraband of war to the enemy, it would have been competent to that Government to have so limited the exercise of its own belligerent rights. This was the course which you will have observed Mr. Thornton supposed the Brazilian Government had actually taken; but reprisals in the usual limited sense and war are not the same: the former affects the party only against whom the reprisals are made; the latter affects a third party, the neutral, also. It was of course competent also for the Brazilian Government, in declaring war, to announce a blockade also in due form in the exercise of belligerent rights.

You will ascertain and report to me by the first opportunity whether Brazilian sea and land forces are exercising a right of reprisals without war, or are acting under orders to make war; and if making war, whether with or without a blockade; and if with a blockade, within what limits.

W. G. Lettsom, Esq.,

RUSSELL.

*Earl Russell to Mr. Lettsom.**

SIR,

Foreign Office, December 29, 1864.

WITH reference to your despatch of the 7th of November, I have to state to you that Her Majesty's Government will expect that in the circumstances of the Brazilian blockade in the Plate, no British vessel will be detained or captured which has not previously received full and due notice of the existence of the blockade; and also that British vessels in the ports about to be blockaded will be allowed a fair and reasonable time to depart with their cargoes. I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

Earl Russell to Mr. Lettsom.

SIR,

Foreign Office, January 9, 1865.

I HAVE received your despatches of the 29th of November, in the former of which you ask to be instructed as to how long the

* A similar despatch was addressed to Mr. Thornton.

blockade of the ports of Salto and Paysandú is to be respected in the absence of the military forces which it was announced were to act in concert with the naval forces of Brazil in carrying that blockade into effect.

I have to state to you in reply that the blockade of those ports must be respected so long as the naval force employed in maintaining the blockade is fairly adequate for the purpose. The absence of the military forces with which it was, as you say, intended that the naval force should co-operate, cannot invalidate the blockade.

I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

(Extract.)

Buenos Ayres, December 9, 1864.

I HAVE the honour to transmit herewith, for your Lordship's information, translation of a note which I received on the 7th instant from Señor Berges, Paraguayan Minister for Foreign Affairs, in which his Excellency incloses copies of a correspondence with Senhor Vianna de Lima, Brazilian Minister Resident at Assumption. A copy of my answer to his Excellency I have likewise the honour to inclose.

By these documents your Lordship will perceive that the Paraguayan Government have determined to break off friendly relations with that of Brazil, on the ground of the invasion by Brazilian forces of the Republic of the Uruguay, against which Señor Berges had previously protested.

Señor Berges' note to Senhor Lima is dated the 12th ultimo, but did not reach the latter till the evening of the 13th. In the meantime a small Brazilian merchant passenger steamer, the *Marquez de Olinda*, which makes periodical voyages from Monte Video to Cuyabá, in the Brazilian Province of Matto Grosso, had arrived at Assumption, having on board a new President for that Province, with several other passengers. This vessel started to continue her voyage to Cuyabá at 2 P.M. on the 12th ultimo. A few hours afterwards the Paraguayan steamer-of-war *Tacuari* was sent in pursuit of the *Marquez de Olinda*, and brought her back a prisoner to Assumption, where she still remained at the last date from that capital, the passengers and crew being kept in close confinement on board of her, and being allowed to communicate with no one.

Senhor Lima at once demanded an explanation of this act in a note of the 13th ultimo, translation of which I have the honour to inclose, and was answered by a reference to Señor Berges' above-mentioned note of the 12th, which at the time of writing his note Senhor Lima had not yet received. Translation of Señor Berges' note is inclosed, as well as of Senhor Lima's note of the 14th ultimo,

requesting his passport, and of Señor Berges' note of the same date acceding to his request.

It was a long time, however, before Senhor Lima was able to obtain the means of leaving Assumption, the Paraguayan regular steamers having ceased to run, and it was only at the earnest intervention of Mr. Washburn, United States' Minister at Assumption, that a small Paraguayan steamer-of-war was placed at Senhor Lima's disposal, on condition that it should not be molested on its return voyage to Assumption. Senhor Lima was thus enabled to start on the 29th ultimo, and reached Buenos Ayres on the 6th instant.

The seizure of the *Marquez de Olinda* seems to me a somewhat strained exercise of the rights of war, considering that the Brazilian Minister residing on the spot had at the time of the seizure not yet received any intimation of the rupture of relations, and further, contrary to the spirit of Article XVII of the Treaty of April 6, 1856,* between Brazil and Paraguay, which stipulates that in case of a rupture the citizens of the one party resident in the territory of the other may remain there to arrange their affairs and continue in their commerce or occupation, in the full enjoyment of their liberty and property. The claim to such consideration of a merchant passenger vessel merely passing through the territory would surely be as strong as that of residents.

Your Lordship will observe that Señor Berges, in his note to me of the 17th ultimo, gives credit to his Government for allowing the navigation of the Paraguay up to Matto Grosso to neutral merchant-ships, although forbidden to the Brazilian flag. I believe this to be a matter of little importance to British interests, for I am not aware that a vessel under the English flag has ever been up to Matto Grosso.

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

MY LORD,

Buenos Ayres, December 9, 1864.

I HAVE the honour to transmit herewith to your Lordship copy of a note addressed by Mr. Washburn, United States' Minister at Assumption to Señor Berges, which has been published in the Paraguayan newspaper.

In this note Mr. Washburn states that he had communicated to his Government the offer made by the Paraguayan Government to mediate between Brazil and the Republic of the Uruguay, and that he had been instructed to lend his best offices to second the efforts of the President of Paraguay, and to promote so desirable a result as the pacific arrangement of the difficulties existing between the two countries.

I likewise inclose copy and translation of Señor Berges' answer to Mr. Washburn's note.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(Inclosure 1.)—*Mr. Washburn to Señor Berges.*

SIR, *United States' Legation, Assumption, November 12, 1864.*

THE Honourable W. H. Seward, Secretary of State of the United States, in a despatch which he addressed to me on the 26th of August, acknowledged the receipt of a copy of the note which you did me the honour of addressing me on the 17th of the same month, in which you informed me of the intention of the Paraguayan Government to accede to the request of the Oriental Minister Señor Sagastume, and of the offer of friendly mediation of Paraguay between his Government and that of Brazil.

From events which had taken place in the Oriental Republic anterior to that date, Mr. Seward observes that they give room to apprehend that its powerful neighbours had the design of destroying its nationality, but he expressed the hope that the mediation of Paraguay would prevent a war between that country and Brazil.

A war of this kind, in which not only are material interests in danger, but the very existence of a Republic which until now was flourishing, would be greatly deplored by the Government of the United States; and I am instructed by Mr. Seward to say that any good offices which I may use in seconding the efforts of the President of Paraguay in bringing about so desirable a result as the pacific arrangement of the differences existing between those countries will be approved of by my Government.

It is scarcely necessary for me to add that the unsuccessful efforts at mediation in this disagreeable question will be received by my Government with deep sorrow, and a general war, towards which South America, on the east of the Andes, seems to be drifting, would be viewed by all the world as a great calamity. The efforts of the President of Paraguay to avert such a great catastrophe must be viewed as very commendable by all who know the value of peace for the development of the resources of these countries, and to obtain for its inhabitants that stability and security which are essential to the highest prosperity and happiness of nations.

I avail, &c.,

Señor Berges.

CHARLES A. WASHBURN.

(Inclosure 2.)—*Señor Berges to Mr. Washburn.*

Department of Foreign Relations,

(Translation.)

Assumption, November, 1864.

THE Undersigned, &c., has had the honour of receiving the note

which your Excellency has addressed him on the 12th instant, communicating to him the despatch which his Excellency the Honourable Mr. William H. Seward had forwarded to that Legation, dated the 26th of August, relative to the manner in which the Government of the United States appreciates the affairs of the River Plate, and the part which the Paraguayan Government has taken in them.

This important communication having been brought to the knowledge of his Excellency the President of the Republic, the Undersigned has received orders from his Excellency to acknowledge in the warmest manner the noble sentiments of justice which the acts of his Government have merited from that of the United States, which attributes to its enlightened judgment the importance which it has among nations.

It is certainly painful that the good offices which the Government of the Undersigned offered, with such loyalty and friendly interest, to bring about an arrangement of the differences which unfortunately had given rise to the situation which began in the month of last July between the Governments of the Oriental State of the Uruguay and that of His Majesty the Emperor of Brazil, have been on every side unsuccessful.

Your Excellency knows how fruitless these good offices have been rendered, and at present the affairs which have taken place subsequent to the dates mentioned by the Honourable Secretary of State of the United States are much more sad; but the Undersigned feels confident that his Government has left no means untried towards the maintenance of the peace of the River Plate, nor for the preservation of the nationality and rights of the Oriental Republic of the Uruguay, so earnestly desired by the Honourable Mr. Seward, and which to-day are more than ever menaced.

It is with pleasure that his Excellency the President sees that the Government of the United States of America has instructed your Excellency to second his efforts in the contemplated mediation; but he deplores the position which affairs have reached at this moment, causing, by the aggressive and abusive policy of the neighbouring Empire, the probability of peace, the benefits of which are so much needed by these nationalities, to become every day more remote.

Thus fulfilling the orders of his Excellency the President, the Undersigned avails, &c.

C. A. Washburn, Esq.

JOSÉ BERGES.

Mr. Thornton to Earl Russell.—(Received January 20, 1865.)

MY LORD,

Buenos Ayres, December 11, 1864.

SENHOR PARANHOS called upon me last night, and stated to me

that, before the Brazilian Admiral and General Flores had attacked the town of Paysandú, they had called upon Colonel Leandro Gomez, in command of the garrison of that town, to surrender, and had granted him a certain time to come to a decision. When, however, the flag of truce returned for the answer, he was fired upon by Colonel Gomez's order. Notwithstanding this outrage, they had, at the instance of the Commanders of two gun-boats, English and French, agreed to prolong the term, so that the families of neutrals might have sufficient time to leave the place. On a further summons, the flag of truce was again fired upon, and the two Commanders in question were satisfied that nothing was left to the Brazilian Admiral and General Flores but to attack.

Subsequently a Spanish vessel of war arrived at Paysandú, and Baron Tamandaré attributed it to her Commander's influence that the 3 Commanders addressed letters in their respective languages to him, requesting that the bombardment which had already been carried on for some time might be suspended. Those of the English and French Commanders, Senhor Paranhos said, were couched in the most courteous terms, whilst that of the Spanish Commander was somewhat peremptory. The Admiral, however, had an interview with them, and succeeded in persuading them that he was doing no more than was justifiable, upon which the 3 Commanders agreed to withdraw their letters.

Senhor Paranhos went on to say that, if it were to become known to the Monte Videan Government that neutral naval officers were disposed to view with displeasure and to endeavour to impede the hostile action in which the Brazilians are now engaged, and into which his Government considered they had been forced, the conflict would probably become more sanguinary, and last much longer. He therefore expressed his hope that, although in the present instance the English Commander, Lieutenant Johnson, of Her Majesty's gun-boat *Doterel*, had made no vexatious objection to the measures of the Brazilian Admiral, I would write to Rear-Admiral Elliot, and beg him to prevent, if possible, Her Majesty's naval officers from interfering more than was absolutely necessary in any measures which the Brazilian forces might find themselves obliged to undertake.

I replied to Senhor Paranhos that I was sure Rear-Admiral Elliot had no wish or intention to prevent the Brazilian forces from exercising the real rights of a belligerent, but that he would easily understand how much interested we both were, for humanity's sake, that there should be no unnecessary destruction of life and property, and that the bombardment of towns which, like Monte Video, are inhabited by foreigners who take no part in the war should, if possible, be entirely avoided. I promised, however, that I would

write privately to Rear-Admiral Elliot, in accordance with Senhor Paranhos' wish.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

P.S. *December 12.*—Since writing the above, and at this moment, I learn from Paysandú that, several foreign families not having availed themselves of the term allowed for leaving the town, the 3 Commanders insisted upon a further armistice for that purpose, which was granted by the Brazilian Admiral and General Flores, and the day of the 10th instant was assigned for the removal of those that had remained. Operations were to have recommenced yesterday; but torrents of rain prevented anything from being done.

E. T.

Mr. Lettsom to Earl Russell.—(*Received January 20, 1865.*)

MY LORD,

Monte Video, December 14, 1864.

ON the 28th of last month General Flores appeared with his forces on the land side of Salto, while various Brazilian gun-boats took their quarters on the river in the immediate neighbourhood of that town.

General Flores summoned the Commandant, Colonel Palomeque, to give the town up at once. This he immediately did.

The troops of General Flores entered Salto on the evening of that day, and very shortly afterwards left for Paysandú, the Brazilian gun-boats coming down the river to that town so as to present themselves there on the arrival of General Flores.

General Flores at once summoned Paysandú to surrender. The officer bearing the summons was not only not listened to, but was, I rather think, shot by one of the Staff of Colonel Leandro Gomez, the Commandant of the garrison. The information received here, however, upon this point is not as yet very precise.

On the 7th the assault of the town commenced. General Flores attacked it by land, and the Brazilian gun-boats, which acted in concert with him, from the river.

The Brazilian gun-boats landed, moreover, a party of marines who took part in the operations.

The latest news received here from Paysandú is of the 10th instant. At that date the town had not been taken.

The Brazilians at this "blockade" of theirs appeared to have fired on the town about 600 times. The damage done to the buildings is reported to be very great.

The garrison declare they will never surrender. The Commandant, now "General" Leandro Gomez, has written to the Government to say, that should he no longer be able to offer effective resistance, his intention is to blow his brains out rather than surrender to the Brazilians.

The general opinion seems to be, and it is, I think, the opinion entertained by the Government of the Republic, that Paysandú must, however, shortly fall.

Should this be the case General Flores will, it is thought, advance on Monte Video, the Brazilian naval forces presenting themselves at the same time in the port here with the view of bombarding the city.

I shall be greatly obliged to your Lordship if your Lordship would inform me whether it is the intention of Her Majesty's Government to permit the bombardment of Monte Video by the Brazilian Commander-in-chief to take place, or whether Her Majesty's Government deem it right to authorize me to concert measures with the Commander-in-chief to prevent, if necessary by force, the destruction of British property and interests by the naval forces in Brazil.

Should the emergency referred to present itself prior to my hearing from your Lordship, nothing will remain for me but to shape my conduct by the circumstances of the time, and to consult my colleagues as to the course best to be adopted.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Earl Russell to Mr. Lettsom.

SIR,

Foreign Office, January 30, 1865.

I HAVE received your despatch of the 14th of December last, relative to the proceedings of General Flores at Salto and Paysandú, and in reply to your inquiry as to what steps you should take in the event of an attack on Monte Video being threatened by the naval forces of Brazil, I have to direct you to be careful not to interfere without having first received instructions to that effect from Her Majesty's Government.

I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

Señor Bareiro to Earl Russell.—(Received February 4.)

(Translation.)

Legation of Paraguay in England,

MY LORD,

Paris, February 1, 1865.

I HAVE the honour to inform your Excellency, by order of my Government, that the war between Brazil and Paraguay anticipated in my note of the 27th of October last* is now unfortunately an act already completed. Brazil having replied to the protest of Paraguay of the 30th of August by the invasion and military occupation of the territory of Uruguay, my Government has felt it to be its duty to declare relations broken off between it and the Court of Rio Janeiro, and that the navigation of the rivers of the Republic is

suspended for the naval and mercantile flag of the belligerent Empire, and also that the passage of the River Paraguay is allowed solely to friendly flags for the trade of the Brazilian Province of Matto Grosso. Paraguay has replied to the hostilities commenced by Brazil without a previous declaration of war by capturing in her waters an Imperial packet, the steamer *Marquez de Olinda*, on the 13th November.

In this grave situation my Government is desirous that the Government of Her Majesty may know at once what are the objects and what are the forms and means with which Paraguay intends to carry on the war to which the necessity of her defence compels her.

Paraguay owes and wishes to pay this proof of her respect for the opinion of the great nations which favour her with their friendship, and she flatters herself that the soundness of her views and the justice of the motives which place arms in her hands will bring to her side the sympathies which the civilization of Europe has always given to the nations which contend for its benefits.

The principal and most immediate object of Paraguay for the present is to preserve the independence of the Banda Oriental, which is the bulwark of her territory, by compelling Brazil to quit that province. Its entire evacuation by the forces of Brazil will be the implicit re-establishment of peace, unless the result of their passage should be the creation of a Government which might take upon itself to deliver up the country more or less clandestinely, as took place in 1821.

For Paraguay to prevent Brazil from taking the Rio de la Plata as its southern frontier is only to preserve intact the free navigation of its affluents, the Paraná and the Paraguay, because that freedom is essential to the life of Paraguay as an independent State and as a civilized nation.

If the past reclusion of Paraguay, by which she escaped the general anarchy and gained the strength which now serves to defend her, if this lends an argument to her adversaries against the views of her present policy, she may reply that she fights for her present and her future, not for her past.

A proof of this is that all the views which she now defends have received the sanction of the positive law of nations, and the repeated and constant support of civilized Europe by the great diplomatic and military acts of which the Rio de la Plata has been the theatre in this century, and whose object and result has been to secure Oriental independence.

The views which actuate the policy of Brazil in its present conflicts with the Republics of the Plata are entirely opposite. History shows that its traditional endeavours have always been to annex to

its territory the Oriental countries of the Rivers Paraguay, Paraná, and Plata.

Four times in the present century, when the Banda Oriental of Uruguay was in a state of anarchy, Brazil has come forward with its army, requiring two contradictory things, either that the Government, almost destroyed, should give it satisfaction, or that the country should accept the Government of Brazil as its own, to be ruled by it, while the national Government was failing or almost defunct. At present, instead of its own Government, it offers an Oriental Government of Brazilian creation, in order to conciliate the acquisition of its second object with respect for the Treaties which protect the Oriental independence.

This desire of Brazil for territorial annexations does not derive its origin from exalted views, nor from reparations or from ephemeral wishes for vengeance more or less legitimate, nor from antagonism of race or of system of government, but from the force of necessity, it must be admitted, which interests its population in the immigration of people of white race, in the maintenance of its present dimensions, and even in the subsistence of the people.

Although these facts are not hidden from the sagacity of Europe, I do not think it inexpedient to recall them to your Excellency's observation on this occasion and in this place.

Brazil dissembles its territorial aspirations, pointing to the dimensions of its territory, which is equal to a quarter of North America. But this is a specious argument. It is not a question of the magnitude but of the quality of the country. Like Africa, almost all lying in the Torrid Zone, it is only habitable by Africans, whom it cannot now introduce because of the international Treaties which protect the freedom of the black man. In the necessity for being peopled by immigrations of race white and free it cannot effect this for want of a temperate territory, in which it may be said to be the smallest and most deficient of the States of South America, if we consider that beyond the Torrid Zone Brazil has no other provinces than San Pablo and San Pedro, adjoining the Republics of the Plata. To acquire the lands, temperate and habitable by white men, which it wants, it aspires to annex those which divide it from the Plata, Paraná, and Paraguay.

These rivers, Brazilian at their source and foreign where they become navigable, are so many interior doors of the Empire, but their keys belong to the Republics of La Plata, and as they are at the same time the only paths of real and effective communication between Rio Janeiro and the Western Provinces of the Empire, the integrity of its sovereignty cannot be made absolute without the permission of the adjacent Republics which are in possession of the lower parts of these rivers.

If we add to this that the scourge of famine afflicts the populations of Brazil with tropical pestilence, for the want of a temperate soil for the production of cattle and of cereal grains, it may be perfectly well said that Brazil seeks life itself in the acquisition of the territories which now supply it with meat and corn.

The truer it is that the territory of the Banda Oriental is filled with Brazilian people and property, the more certain it is from this very fact that the large territory of Brazil is not sufficient for it, because it is useless, for otherwise its inhabitants would not go away to establish themselves in turbulent and insecure Republics.

But the establishment of its necessity is not the establishment of its right, and the necessity of a country, however large it may be, cannot be a basis of right when it is opposed to the necessity of all the world. To rob the States of La Plata of their territory would be taking away from the commerce of Europe a vast field of free industry ("esplotacion") to put into its place the slaves, restrictions, abuses, and intolerance which make Brazil repugnant for the immigration of Europeans,—the only practical element and step for educating and regenerating the new States of South America, in the sense of its new independent attitude.

As the peril to which Paraguay is exposing herself by her military intervention in the question of Brazil and the Banda Oriental has received a certain denial from the neutrality which the Government of the Argentine Republic affects to maintain on that question, and as this denial acquires great authority from the circumstance that the Oriental independence was originally constituted under the guarantee of the Argentine Republic, I feel absolutely obliged to reply to this objection in the interest of my country's defence, by explaining the mystery of the neutrality of Buenos Ayres, as it is revealed by recent facts of the internal history of that country, without the smallest hostile intention towards its Government, the friendship of which we even now are desirous of preserving.

From these facts it results that what is known in the political world by the name of the Argentine Republic is the combination of two countries, bound together under a certain aspect, but separated and divided at bottom by a rivalry which is produced by the fact that the existence of the one is guaranteed almost exclusively by nearly all the resources of the other. The Governments of Europe and America are familiar with the details of the struggle between the Province or State of Buenos Ayres and the other provinces of the Argentine Confederation, which constitutes the whole foundation of the modern history of that country.

To maintain this state of things Buenos Ayres requires the support of an external ally, and that ally is Brazil; and the price

presumably paid for that alliance is the connivance believed by general opinion to be visible in Buenos Ayres, hidden under the cloak of neutrality, which allows Brazil to establish its empire on one shore of the Plata, whilst Buenos Ayres is secured in the dominion of the other.

The Argentine Republic constituted itself the guarantor of the Oriental independence when it formed one compact State in 1828. At that epoch the Banda Oriental was for the Argentine State what it is now for Paraguay—a protecting bulwark of her independence. The conditions of the Argentine country being now entirely altered, its alliances and all the exigencies of its external policy are also altered.

The division of the monopoly of the navigation of the Plata and its affluents between Buenos Ayres and Brazil would be the indirect restoration of the colonial system of Lisbon and Madrid, not indeed for the advantage of those two cities, but for that of the capitals of their ancient vice-royalties in America. Europe would lose thereby all that she considered she had gained by the independence of those countries, in favour of her free trade.

Brazil and Buenos Ayres, in anticipation of this, protested against the Treaties of free river navigation which the Argentine Provinces concluded in 1853 with the maritime nations of Europe and America; and although they have pretended, since that time, to assent to the principle of free navigation, they have not hitherto participated in the Treaties which have turned it to a practical truth.

Paraguay is not in want of means to resist and repel such a policy, more especially when all the elements which have an interest in the liberties and privileges of interior (“mediterranea”) America cannot but favour her and sympathize with her.

Notwithstanding the comparatively small extent of her territory, Paraguay believes that she is not undertaking an enterprise above her strength in accepting the war made upon her by Brazil. Paraguay is distant from Rio Janeiro hundreds of leagues, impracticable by land and very costly by water. Her population, equal in number to that of the whole Argentine Republic, is military. The history of 1811 proved that her soldiers know how to conquer without being necessarily veterans in anarchy. The army is the expression of the country in the homogeneousness of its elements and in the unity of its patriotic spirit.

Paraguay feels herself strong, and therefore may show herself moderate. She has left to Matto Grosso, a Brazilian Province, the benefits of foreign commerce, whilst Brazil is bombarding and reducing to ashes the Oriental city of Paysandú, upon those same waters of the Uruguay which formerly saw in 1817, 20 flourishing

cities given up to the flames by the soldiers of this same Brazil, which pretends to raise up the flag of civilization in America.

Far from forgetting the attentions of courtesy which are due even to the representatives of an enemy's country, Paraguay has had the satisfaction of placing one of the steamers in her employ at the command of the Brazilian Minister, who withdrew from the Republic where he was resident, sailing in her, under her flag.

I beg pardon of your Excellency for entering into such detailed considerations, yielding to the desire which moves my Government to preserve intact the good opinion and the sympathies of the Government of Her Britannic Majesty in the painful emergency which at this moment puts division between it and the most important of the South American States; and also as a proof of the conviction which my country feels that the real dangers for the States of the Plata are found in America itself, whilst their guarantees are in Europe and in the great general interests of both worlds connected with peace, with liberty, and with the internal balance of the New Continent.

I take, &c.,

Earl Russell.

CANDIDO BAREIRO.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

MY LORD,

Monte Video, December 14, 1864.

I HAVE the honour to place herewith in your Lordship's hands a translation of a note addressed by Dr. Antonio de las Carreras to the senior member of the Diplomatic Body, Signor Barbolani, transmitting to his Excellency a list of the vessels sailing under the Uruguayan flag, and stating to the Italian Minister that from this list it will be easy for the Commanders of foreign vessels of war to recognize whether vessels sailing under that flag do so legally or not.

The list transmitted to Signor Barbolani contained merely the names of above 200 vessels, the great majority of them engaged in the coasting trade.

Dr. de las Carreras, it will be seen, states in this note that the President has no objection to the Commanders of the foreign ships of war visiting those vessels to see if their papers are in order.

It is manifest that such course of conduct cannot be adopted by those officers.

It is not for the purpose of carrying out the maritime police of Uruguay that they are stationed here.

The application of Dr. de las Carreras is based on the fact that 3 or 4 small vessels, among them the little steamer *Gualeguay*, have been fitted out at Buenos Ayres in aid of General Flores.

I have also the honour to forward to your Lordship a translation of the answer of Signor Barbolani to the note of Dr. de las Carreras.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

MY LORD,

Monte Video, December 14, 1864.

I HAVE the honour to transmit to your Lordship herewith a translation of a letter from Dr. A. de las Carreras to Signor Barbolani, the senior member of the Diplomatic Body, requesting his Excellency to take the necessary steps with his colleagues to prevent the bombardment of Paysandú by the Brazilian naval forces.

Dr. A. de las Carreras, as your Lordship will observe, states that as there are no forts to overcome, such an act would be one of the blackest cowardice on the part of Brazil.

His Excellency does not, however, allude to the fact that during the last 3 months the Government papers of this place and the official publications at Paysandú have daily rung with the coarsest abuse of Brazil, and with declarations that in the case of an attack of that town by the Brazilians, "the modern Sebastopol" would offer the most vigorous resistance.

I have also the honour to forward to your Lordship a translation of Signor Barbolani's answer to the letter of the Minister for Foreign Affairs.

The steamer *Guaqueguay* therein spoken of is one of the vessels before alluded to by me as fitted out at Buenos Ayres to assist General Flores, and sailing, as circumstances render it necessary, either under the Argentine flag or that of this Republic.

It is clear that the *Guaqueguay* cannot sail legally under the Uruguayan flag, which has been granted to her at Buenos Ayres.

I have reason to think that General Mitre has at last resolved that this vessel shall not take an active part in this struggle.

The *Guaqueguay*, it seems to me, should never have been allowed to quit Buenos Ayres in the enjoyment of a double nationality.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received February 7, 1865.)

MY LORD,

Monte Video, December 20, 1864.

IN consequence of a Decree of the President, dated the 13th instant, the five existing Treaties between this Republic and Brazil were torn up and burnt in the public square on Sunday, the 18th instant.

In order to render this measure as offensive as possible to Brazil,

these Treaties were burnt by the hands of a criminal, who was selected for this purpose from the gaol of this city.

The President and his Minister were present at this disgraceful act. Both on their arrival and at their departure they were received with the most significant silence.

As a display of national indignation against Brazil, at which a vast concourse of people were expected to be present (and with this view a Sunday was evidently selected for the act), I never witnessed a more complete failure.

There were not, independent of the military on duty, 300 people present, and many of them, like myself, were doubtless attracted thither by curiosity.

Since the burning of these Treaties the Government have been endeavouring to get signatures to a declaration expressing approbation of what has been done, and as all the numerous persons in the employ of the State are threatened with dismissal from their posts if their names are not added to that declaration, the document, I do not doubt, will receive a considerable number of signatures.

Though the Treaties in question were undoubtedly most galling to the Republic, I think I am justified in saying that the manner in which President Aguirre and his Cabinet have thought proper to declare them null and void has been generally disapproved of.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Thornton to Earl Russell.—(Received February 7, 1865.)

MY LORD,

Buenos Ayres, December 26, 1864.

SINCE the declaration of war by the Republic of Paraguay against Brazil and the capture of the steamer *Marquez de Olinda*, very little news from the former country has arrived here.

It is, however, positively asserted that the Paraguayan Government have sent an expedition of 2,000 men up the River Paraguay for the purpose of occupying certain points now held by the Brazilians on the right bank of that river, and others in the province of Matto Grosso.

It has also been reported to me by persons whose information I am hardly at liberty to doubt, that the Paraguayan Government intend to send an army of 15,000 men or thereabouts to the Brazilian Province of Rio Grande, so as to compel the Brazilian forces to withdraw from the Republic of the Uruguay. What route the Paraguayan army is to take no one seems to know. Some say that it will embark at Itapua on the right bank of the River Paraná, will ascend that river until it reaches Brazilian territory, and will then march across it to the province of Rio Grande. But such a march would be so long and difficult that I am rather disposed to think with others that the

Paraguayan army would at once cross the Paraná, would go through the territory of the Misiones, and crossing the Uruguay would land in Brazilian Uruguayana, or in the Republic of the Uruguay. The principal part of the territory through which their course would then lie is in dispute between the Argentine and Paraguayan Governments, but there is a strip along the right bank of the Uruguay which I believe no one has ever pretended is anything but Argentine territory.

Should the Paraguayan army cross this strip of land, I imagine that the Argentine Government will consider it a violation of their territory and a *casus belli*.

I am told that the Paraguayan Government intend to have their army in the province of Rio Grande within a fortnight if possible.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received February 7, 1865.)
(Extract.)

Buenos Ayres, December 26, 1864.

ON the 17th instant I had a long conversation with M. Paranhos, now here on a special mission from His Majesty the Emperor of Brazil, with respect to the hostile operations which are being carried on by the naval and land forces of his Sovereign against the Monte Videan Government.

I am convinced that M. Paranhos is furnished with ample instructions and full powers from his Government for either war or peace, but that at the same time the Brazilian Government are extremely desirous of bringing about a pacific solution of their differences with the Monte Videan Government. As I have been given to understand that, as soon as the reduction of Paysandú shall have been effected, it is intended to send as large a Brazilian force as possible to Monte Video in concert with General Flores, for the purpose of making a demonstration against and even attacking that city, and as I fear such a measure may bring about serious complications even with neutral Governments, I endeavoured to persuade M. Paranhos that it would be much more to the advantage of his Government if some means of bringing about an amicable settlement of their differences could be devised, before proceeding to so extreme a measure. I even suggested that the question should be submitted to arbitration, and stated that though diplomatic relations had unfortunately been suspended between Brazil and England, I was convinced that Her Majesty's Government would not disapprove of my contributing to bring about an arrangement of a question which was doing irreparable injury to numbers of Her Majesty's subjects residing in the Republic of Uruguay. I observed, too, to M. Paranhos that the continuance of the war could not but

render the Brazilians more unpopular than they already were, and that he must be aware that the bombardment of Paysandú, necessary as it may have been, had made them many enemies even among their so-called allies, the adherents of General Flores.

M. Paranhos replied that he was much obliged to me for the interest I took in the Brazilian question with Monte Video, but that though his Government were undoubtedly most anxious to discover some means of arranging their difference, he did not see that there was any possibility of doing so at this moment. Paysandú must be taken, and an overwhelming force must be sent to Monte Video, so that those in the town who were in favour of peace, and of whom he was persuaded there was a large majority, might exercise a pressure upon the Government and force them into submission. This, he said, was absolutely indispensable for the honour and dignity of the Brazilian Government, especially since they had been insulted by the burning of the Treaties of 1851, and in the presence of the attitude assumed by the Republic of Paraguay with regard to the Monte Videan question.

It was in vain that I stated to M. Paranhos that the wording of Treaties of Peace sometimes afforded more decisive victories than sanguinary battles, without the risks and losses attending the latter; that I had been led to believe that the Monte Videan Government were also desirous of peace.

Upon my pressing M. Paranhos upon this question, he stated that he could say no more, because he was in negotiation with the Argentine Government for an active alliance against the Monte Videan Government, in which he believed he should succeed, and that then the conditions would be made public, and the position of Brazil would be greatly improved. I replied that I believed he was deceiving himself, but that I could well understand that, entertaining such hopes, he was unwilling to enter into any negotiation for peace at present.

I have since learnt, both directly from Señor Elizalde and from other quarters, that the Argentine Government have finally rejected M. Paranhos's overtures, and have determined not to interfere in any way in the Monte Videan question, except for the object of contributing towards making peace. Indeed, dislike to the Brazilians is so deeply rooted in the natives of these Republics of Spanish origin, although I think in great measure undeservedly, that I doubt whether any Government would be able to carry out an alliance with Brazil, even for the purpose of aiding General Flores' party, who enjoy the warm sympathies of the Argentine Government party.

If, however, the Argentine Republic were to receive any direct provocation from Paraguay, I have no doubt that a war against that

country would be hailed with enthusiasm, and such an event would materially assist the operations of Brazil.

In the meantime Don Florentino Castellanos, one of the principal men of Monte Video, and President of the Senate, arrived here on the 22nd instant, and spoke to me of the unhappy state of the Republic of the Uruguay, of the desire of the Monte Videan Government to make peace, and of his hope that I would assist with my good offices. Señor Castellanos was then going to the country, but promised that he would shortly send to Señor Lamas a statement in writing of the bases on which he was sure the Government would be willing to come to terms.

The day before yesterday I called upon Señor Lamas, who had just received from Señor Castellanos the memorandum which the latter had promised, relative to the conditions upon which the Monte Videan Government might be willing to make peace.

These were to the following effect:—

With regard to foreign matters, it is proposed that Plenipotentiaries from Brazil, Paraguay, and the Argentine and Monte Videan Governments should meet at Buenos Ayres for the purpose of settling their respective grievances with each other, and in case there might be any point on which they could not agree, that this should be submitted to the arbitration of a neutral Power. Previously to the meeting of these Plenipotentiaries, the foreign armies in the Republic of the Uruguay should retire to their respective frontiers, and hostile ships-of-war to their own or neutral ports.

With regard to the internal question with General Flores, the Monte Videan Government would be willing to make peace, provided that General would accept as they stand the bases signed on the 18th of June last.* Señor Aguirre would then name a new

* *Conditions of Peace recommended by Argentine, Brazilian, and English Ministers.—June 18, 1864.*

(Translation.)

THEIR Excellencies the Ministers Dr. Don Rufino de Elizalde, Minister for Foreign Affairs of the Argentine Republic, and Dr. Don José Antonio Saraiva, of His Majesty the Emperor of Brazil, and Don Edward Thornton, of Her Britannic Majesty to the Argentine Republic,—animated with a strong desire of seeing the Oriental Republic in a state of peace, have taken upon themselves to point out the following conditions as necessary for arriving at so important an end:—

1. All Oriental citizens should remain from this time in the plenitude of their political and civil rights, whatever may have been their former opinions.

2. Consequently, the disarming of the forces will be made in the manner and form which the President may determine, agreeing with Brigadier-General Don Venancio Flores the manner of arranging this with the forces under his command.

3. Acknowledgment of the grades of service conferred by Brigadier-General

Ministry, but entirely of his own choice, without consulting General Flores upon the subject; he would not, however, object to name the Minister of Finance from among General Flores' party, though it was to be expressly understood that the General himself was to be excluded from the Ministry. The new Ministry being installed, the disarmament of all the forces, except those allowed by the law, should be carried out, the latter signifying of course those maintained by the Government.

It is now said that the siege of Paysandú, which has been raised for a few days, is to be resumed by so large a Brazilian force that resistance will be almost hopeless. Should it fall I am given to understand that the Brazilian army will at once proceed, partly by land and partly by water, to Monte Video. Much will depend upon the rapidity of their movements; and yet these have been singularly slow.

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received February 17, 1865.)

MY LORD,

Monte Video, December 28, 1864.

THE Government here, since the declaration of war by Paraguay against Brazil, profess to expect aid from the former Power against the Brazilians.

As far as I can ascertain, I think this expectation of active aid is groundless.

It seems to me that the President of Paraguay, availing himself of the fact of Brazil finding itself hampered by the position in which it has so unwisely placed itself with regard to this Republic, has chosen the moment, upon the plea of the independence of Uruguay being attacked by its powerful neighbour, to take, himself, possession

Don Venancio Flores during the time of the struggle, on those over whom the President has the power of conferring such, and the presentation to the Senate on the part of the President of the Republic begging their authorization, to acknowledge the grades of those to whom this requisition is necessary, according to the Constitution of the Republic.

4. Acknowledgment as National Debt of all expenses made by the forces of Brigadier-General Don V. Flores, up to a sum of 500,000 national dollars.

5. The sums obtained by orders emanating from Brigadier-General Don V. Flores, proceeding from patent contributions, or from whatever other tax, shall be considered as belonging to the National Treasury.

Puntas del Rosario, June 18, 1864.

RUFINO DE ELIZALDE.
JOSE ANTONIO SARAIVA.
EDWD. THORNTON.

Accepted:

VENO. FLORES.

We accept, *ad referendum*:

ANDRES LAMAS.

F. CASTELLANOS.

sion of certain territory, at present occupied by Brazil, to which Paraguay lays claim.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Earl Russell to Mr. Lettsom.

SIR,

Foreign Office, February 18, 1865.

WITH reference to your despatch of the 14th of December last and to my reply of the 30th ultimo, relative to the state of affairs in the River Plate and the probable investment of Monte Video, I have to direct you to express to the Brazilian Commander-in-chief the hope of Her Majesty's Government that in any attack that may be made, respect will be shown to the property of British subjects, and that the Brazilian force will not bombard unfortified towns.

I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

Mr. Lettsom to Earl Russell.—(Received February 20.)

(Extract)

Monte Video, January 12, 1865.

IN the newspapers published on the night of Saturday the 7th instant there appeared a Decree of the Government suspending the payment in specie of the two banks here called "Bank of Maná and Co." and "Commercial Bank," and giving forced circulation to their notes.

The Decree, moreover, imposed a forced loan of 250,000 dollars, equal to about 53,000*l.*, upon each of those establishments.

On Monday morning the 9th instant, before 6 o'clock, I received from Dr. A. de las Carreras the letter of which a translation is inclosed, requesting the landing of marines from Her Majesty's ships stationed here, to protect those banks on their opening at 9 o'clock.

Marines were immediately landed from the various naval forces assembled here and sent to those banks.

A party of English marines was likewise sent to the London, Buenos Ayres, and River Plate Bank, for its protection in case of a disturbance.

Up to this time no forced loan has been allotted to this latter bank, which is not as yet a bank of issue.

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—Señor de las Carreras to Mr. Lettsom.

(Translation.)

Monte Video, January 9, 1865.

ANTONIO DE LAS CARRERAS, Minister for Foreign Affairs, has the honour to salute W. G. Lettsom, Esquire, Her Britannic Majesty's Chargé d'Affaires, and, in compliance with orders of the President

of the Republic, solicits of Mr. Lettsom that, in anticipation of any disturbance that may take place to-day at the Maná and Commercial Banks, he will be pleased to concert with the Diplomatic Agents of France, Italy, and Spain to procure the landing of some collective force from the naval stations, which may guard the above-mentioned banks from the time of their opening, which is at 9 o'clock in the morning. In view of the urgency of the case, Mr. Lettsom will understand that not a moment is to be lost in taking the resolution that is solicited.

Mr. Lettsom to Earl Russell.—(Received February 20.)

(Extract.)

Monte Video, January 14, 1865.

I HAVE the honour to forward to your Lordship herewith two printed copies of a note dated the 11th instant, addressed by Dr. de las Carreras to Signor Barbolani, as Senior Member of the Diplomatic Body.

In the concluding paragraph Dr. de las Carreras asks the Diplomatic Body "to give a clear and definite answer on the question as to the repetition in Monte Video of the acts carried out at Paysandú, in order that that answer being made known to all, both citizens and foreigners, every one may be made aware what he may and must expect in the course of the development of events."

At a meeting of the Diplomatic Body held yesterday, it was agreed that we should not, by any reply we might give, bind ourselves beforehand to any course of conduct whatever, and that prior to giving any answer to the note of Dr. Carreras, Signor Barbolani should wait on his Excellency to ascertain what the intentions of his Government are as to the nature and extent of the resistance which it is purposed to offer to an attack made simultaneously by the Brazilians by sea and land in combination with General Flores.

The force of the Brazilians by sea will be, it is expected, so overwhelming, to say nothing of the combined forces acting by land, that an effective resistance appears to be out of the question.

As soon as Signor Barbolani spoke to Dr. de las Carreras, suggesting the propriety of observing moderation on the part of the Government, his Excellency declared the resolution of the Government is to push matters to the last extremity, and, as a final resource, to set fire to the town.

To-morrow, Sunday, as soon as the French mail has left, a meeting of my colleagues is to be held, at which the verbal statement of Dr. de las Carreras to Signor Barbolani is to be taken into consideration.

In another paragraph of Dr. de las Carreras' note, his Excellency

states that "England and France, who engaged their faith for the maintenance of the independence of this Republic, . . . cannot agree to the extent which the Empire of Brazil gives to its acts."

As I understand the matter, no such pledge has ever been given by Her Majesty's Government.

Earl Russell.

W. G. LETTSOM.

Earl Russell to Mr. Lettsom.

SIR,

Foreign Office, February 22, 1865.

I HAVE received and had under my consideration your despatches of the 28th and 29th of October, and of the 14th of December of last year, containing copies of correspondence between the Uruguayan Government and the Diplomatic Body at Monte Video with regard to certain vessels fitted out at Buenos Ayres in aid of the revolutionary party in Uruguay, but sailing according to circumstances either under the Argentine or the Uruguayan flag.

I have to state to you in reply, that the course pursued by you in conjunction with your diplomatic colleagues appears to have hitherto been proper, and that, as far as I am able to judge, the opinion which you have formed with respect to these vessels is correct.

On the one hand, the visitation and search which the Uruguayan Government suggests should be exercised by foreign ships of war over Uruguayan vessels has been at present, with great propriety, refused by yourself and your colleagues.

On the other hand, the interests of neutral commerce afloat, and the safety of neutral subjects and their property in places accessible by ships, require that the vessels employed by a belligerent shall sail under the flag of that belligerent, and shall not by the occasional assumption of the flag of the other belligerent harass the property and endanger the safety of neutrals.

I have only to add that it is of course very important that you should continue to act in concert, so far as you are able, with your European colleagues, in all measures taken on behalf of neutral interests.

I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

Señor Berges to Earl Russell.—(Received February 23, 1865.)

(Translation.) *Foreign Department, Asuncion, December 31, 1864.*

THE Undersigned, Minister in the Department of Foreign Affairs of the Republic of Paraguay, has the honour to communicate to your Excellency that owing to the neglect shown to the protest which his Government made on the 30th August last to the resident Brazilian Minister in this city, confirmed on the 3rd September, and to the consequent challenge to war by which it was answered, while the Imperial forces were occupying the territory of the Oriental

Republic of Uruguay, relations were declared on the 12th November last to be broken off between this Government and that of His Majesty the Emperor of Brazil, the war brought against the Republic being accepted.

Things being thus brought by Brazil to the state of war which now exists in the Republic, which might certainly have been avoided by the Imperial Government with a more loyal policy, and by explanations such as are due to friendly nations, and particularly to that of the Undersigned, and it being certain that the Empire was strengthening its forces to the north of the frontiers of this Republic, the Government of the Undersigned had only to fulfil the duty of maintaining the principles which dictated its protest, founded on the basis of the international policy of Europe; to prevent the violation of its frontier it has already for that purpose set in motion a division of operations of the Republican Army.

The Government of the Undersigned flatters itself that its disinterested policy and the efforts which it is making to maintain the balance of States, which it cannot possibly neglect without injury to its existence and its welfare, will merit the sympathies of your Excellency's Government.

The Government of the Undersigned having been informed that the Government of Brazil is in the intention of entrapping the subjects of friendly nations in Europe to increase the forces which it is sending against this Republic, his Excellency the President has commanded the Undersigned to request your Excellency to take steps which may prevent the entrapment of Her Majesty's subjects in her dominions or abroad for the Imperial Army in Brazil during the war which is carried on against Paraguay.

The Government of the Undersigned is confident that the Government of your Excellency will accede to its request, in accordance with international usages, and with the friendly relations which happily subsist between the two countries.

The Undersigned, &c.,

Earl Russell.

JOSE BERGES.

The Secretary of the Admiralty to Mr. Hammond.—(Rec. Feb. 24.)

SIR,

Admiralty, February 23, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 9th ultimo, from Rear-Admiral the Honourable C. Elliot, and copy of its inclosures, reporting the capture of Paysandú by the Brazilian forces, and the state of affairs in the River Plate.

I am, &c.,

E. Hammond, Esq.

W. G. ROMAINÉ.

(*Inclosure 1.*)—*Rear-Admiral Elliot to the Secretary to the Admiralty.*

SIR,

Satellite, *January 9, 1865.*

I HAVE the honour to forward, for the information of the Lords Commissioners of the Admiralty, a letter from Lieutenant Johnson, of the *Doterel*, reporting the capture of Paysandú by the Brazilian forces and those of General Flores, and acquainting me that the blockade is raised.

The fall of Paysandú leaves a strong force available to act against Monte Video, where the Government is making such preparation as it can to resist an attack. But it is not probable that, without any attempt to come to terms, so weak and unpopular a Government as it is will have the necessary support from the people in offering resistance.

I have, &c.,

W. G. Romaine, Esq.

C. B. ELLIOT.

(*Inclosure 2.*)—*Lieut.-Commander Johnson to Rear-Admiral Elliot.*

SIR,

Doterel, Paysandú, January 6, 1865.

I HAVE the honour to inform you that the garrison of Paysandú surrendered on the morning of the 2nd instant, at 8 A.M., after defending their town against the last attack for 51 hours. The parts of the town which I have since visited are sacked; many of the houses in ruins from the enemy's shot and shell; others destroyed by fire, and everything in the greatest state of disorder.

There has been a heavy loss on both sides, but I am unable to give you the amount. Generals Gomez and Pives, Colonels Azambuja and Raña, are amongst the killed; the former was brutally assassinated after having delivered himself up as a prisoner. Many other officers are killed and missing.

The Brazilian Admiral has informed me that the blockade is raised, and General Flores has communicated to me that the town is open for all foreigners to return to their homes with security to life and property.

I visited the Brazilian Admiral on the evening of the 4th instant in company with the Commander of the Spanish gun-vessel, to intercede for the lives of several officers who are prisoners in the hands of General Flores. He, as usual, promised to render every assistance in his power. He left yesterday forenoon in his flag-ship for Buenos Ayres, in company with two other gun-vessels; Commodore Pinto remaining here in command with the *Belmonte*.

The boats of Her Majesty's gun-boat and the other vessels of war in the harbour have been employed for the last two days crossing the inhabitants from the island to their town.

Many of the troops have already left, and are supposed to be marching in the direction of Monte Video.

I have, &c.,

Rear-Admiral Elliot.

W. F. JOHNSON.

*Earl Russell to Señor Berges.**Foreign Office, February 27, 1865.*

THE Undersigned, &c., has had the honour to receive the note which M. José Berges, &c., addressed to him on the 31st of December last, requesting that steps may be taken to prevent the entrapment of Her Majesty's subjects in her dominions or abroad for the Imperial Army in Brazil during the war which is carried on against Paraguay.

The Undersigned has the honour to acquaint M. Berges, in reply, that Her Majesty's Government will put in force the provisions of the Foreign Enlistment Act when cases of its infraction are brought to their notice.

The Undersigned, &c.

Señor Berges.

RUSSELL.

Earl Cowley to Earl Russell.—(Received February 25.)

(Extract.)

Paris, February 24, 1865.

I HAD seen a report that Commissioners had been sent by the Government of Uruguay to Paris with reference to the hostile attitude assumed by the Government of Brazil towards that Republic, and I had intended questioning M. Drouyn de Lhuys on the first opportunity upon the subject. That opportunity did not occur until this afternoon, and I have now the honour to report to your Lordship M. Drouyn de Lhuys' statement to me.

A few days ago his Excellency received a letter from Señor Juanico, informing him that he had arrived in France upon a mission from the Government of Uruguay, and asking to be received as early as possible, as it was his desire to return home by the packet of the 24th instant. Accordingly, M. Drouyn de Lhuys received this gentleman the day before yesterday, when he asked for the intervention of France to prevent the conquest of Uruguay and its annexation to the Empire of Brazil, with both which eventualities he considered the Republic to be menaced. He said that it was the interest of France to prevent the accomplishment of these events, both on commercial and political grounds—commercial, because the tariff of Uruguay was much more liberal than that of Brazil; the navigation of her rivers was free, while that of the rivers of Brazil was taxed, and, if conquered, Uruguay must submit to the laws of Brazil: political, because every facility was given to the establishment of foreigners in Uruguay, while it was all but forbidden in Brazil, and because the indemnities of the war which would no doubt be imposed on Uruguay would be her ruin.

M. Drouyn de Lhuys observed that all this might be true, but how was France to prevent it? She might and did regret this state of things. She had no wish to see the Republic of Uruguay annexed

to the Brazilian Empire. She had done all in her power by the counsels which she had given at Rio Janeiro to prevent the commencement of hostilities, but she could not dispute the right of the Government of Brazil to make war, even if she considered the motives insufficient. He had received the most positive assurances from the Brazilian Government that there was no intention of conquest on their part, and that they only took up arms for the redress of certain grievances. How, under these circumstances, could the Government of France interfere?

Señor Juanico replied that the grievances complained of by Brazil were a pretext, and he suggested that France might insist on an arbitration of them.

M. Drouyn de Lhuys rejoined that France could not impose an arbitration, nor could she alone act in this matter; he would not stir without the participation of England, and he had reason to believe that Her Majesty's Government viewed this matter very much in the same light as himself.

Señor Juanico then withdrew, and M. Drouyn de Lhuys has since heard that he has prolonged his stay in this capital on account of indisposition.

M. Drouyn de Lhuys terminated the conversation by saying that he would instruct the Prince de la Tour d'Auvergne to inform your Lordship of what had passed with Señor Juanico, and to express his readiness to recommend, in concert with Her Majesty's Government and any other Government interested in the matter, more pacific views to the Brazilian Government.

Earl Russell.

COWLEY.

Señor Juanico to Mr. Layard.

Grand Hotel Espagnol, Boulevard Montmartre, No. 10,

SIR, (Translation.) *Paris, February 27, 1865.*

I HAVE just learnt, from reading an extract of the sittings of Parliament in London, the question put to you by Mr. Maguire relative to the political affairs of Uruguay.

As in the report of your reply it is stated that the British Government has not been informed that the mission which the Oriental Government has entrusted to me is addressed to Great Britain, I hasten to inform you that as the mission is directed to objects common to England and France, the Government of the Republic has been pleased to accredit me at the same time to the Governments of both countries, and that it is owing simply to the accidental circumstance that I left for Europe on one of the French steamers that I arrived first at this city.

As soon as I am permitted by the state of my health, which has

been much impaired by the change of climate, I shall proceed to London, in accordance with the orders of my Government.

I will request you to be pleased to make known the contents of this note to the Right Honourable Minister for Foreign Affairs, accepting, &c.

A. H. Layard, Esq.

CANDIDO JUANICO.

Earl Russell to Earl Cowley.

(Extract.)

Foreign Office, March 4, 1865.

THE French Ambassador has read to me a despatch concerning the representations made to M. Drouyn de Lhuys by Señor Juanico, the Agent of the Republic of Uruguay.

Señor Juanico asked the assistance of the Government of the Emperor of the French against Brazil. The French Minister's reply was in substance that the Minister of France at Rio had received positive assurance from the Brazilian Government that Brazil would respect the independence of Uruguay, and only required reparation for the wrongs inflicted on Brazil by the Government of Monte Video.

That the French Government being thus reassured was not disposed to interfere, and at all events would not do so without the co-operation of England, and that the British Government had no intention to interfere.

Your Excellency will inform M. Drouyn de Lhuys that he has rightly interpreted the intentions of the British Government.

You will at the same time communicate to him Sir C. Hoatham's Treaties, and say that the British Government expect those Treaties to be observed by any Power which may command the navigation of the rivers.

The British and French Representatives and Admirals will no doubt exert their friendly influence to prevent wanton injury to the persons and property of foreigners by the forces of the contending Powers.

Earl Cowley.

RUSSELL.

Mr. Thornton to Earl Russell.—(Received March 7.)

(Extract.)

Buenos Ayres, January 25, 1865.

I HAVE the honour to transmit herewith to your Lordship copy and translation of a note addressed to me by M. Paranhos, Brazilian Minister on a special mission to this Republic. It contains a history of the circumstances and reasons which have brought about the existing state of relations between Brazil and the Republic of the Uruguay; but perhaps the most important point is the declaration that Brazil has no intention of making any attempt against the independence of the Republic of the Uruguay.

I have merely acknowledged the receipt of M. Paranhos' note, and stated that I would send a copy of it to Her Majesty's Legation at Monte Video, according to his wish, and also to your Lordship.

I also inclose copy and translation of a note which M. Paranhos addressed on the same date to Señor Elizalde, and of the answer of the latter. This note of M. Paranhos contains a still stronger declaration, that whatever may be the result of the present hostilities, the independence and the sovereignty of the Republic of the Uruguay shall not be prejudiced.

Señor Elizalde in his answer expresses his regret that the Argentine Government have not been able to bring about an arrangement of the existing difficulties, and states that they are disposed to avail themselves of every opportunity which may offer to enable them to realize their ardent desire with probable success.

Since M. Paranhos arrival here I have been in constant communication with him, and have endeavoured to persuade him of the expediency of avoiding, if possible, the necessity of making an attack upon Monte Video by coming to an arrangement with the Monte Videan Government. It is fair to say that M. Paranhos has always listened to my arguments with attention and apparent interest, and has said that he would be very glad to listen to any proposal that may be made to him. It could hardly be expected, in the strong position which his countrymen now hold, that he would make any advances. At the same time I have always observed in M. Paranhos a strong desire, and a conviction of the necessity, that the Brazilian army should make, if not an attack, at least a demonstration before Monte Video; so that, as he says, the people of that town may be convinced of their strength, and his countrymen may gain prestige for the war they are about to undertake against Paraguay.

I have also had frequent interviews with the President, and have urged him to use his influence to bring about an amicable arrangement between the conflicting parties. Finding, after several conversations, that his Excellency would be willing to accept the office of mediator if it were offered to him, I wrote on the 19th instant a private letter to Mr. Lettsom, begging him to endeavour to persuade the Monte Videan Government to ask President Mitre to mediate. At the same time I induced my colleagues here to write in the same sense to theirs at Monte Video. In consequence of this step Mr. Lettsom and the Diplomatic Body at Monte Video, as well as Admiral Elliot and the French Admiral, made the most strenuous efforts to bring the Monte Videan Government to have recourse to this expedient; but, as Mr. Lettsom will no doubt have informed your Lordship, their representations had no effect.

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received March 7.)

MY LORD,

Buenos Ayres, January 27, 1865.

I HAVE the honour to transmit herewith, for your Lordship's information, copy and translation of a note which I have just received from M. Paranhos, containing a history of the late and present relations between Brazil and Paraguay. I entirely agree with M. Paranhos in thinking that the war now being waged against his country by that Republic was unprovoked and is unjustifiable. I have more than once communicated this opinion to Señor Berges, Paraguayan Minister for Foreign Affairs. I have, &c.,
Earl Russell. EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 16, 1865.

IN my despatch of the 14th instant I had the honour of transmitting to your Lordship two printed copies of a note of Dr. de las Carreras, at the close of which he summons the Diplomatic Body to give him, with the view to its publication, a categorical answer as to what will be our conduct in the case of an attack on this city by the Brazilians and the forces of General Flores.

In that despatch I stated to your Lordship that Dr. de las Carreras had recently declared to Signor Barbolani it was the intention of the Government to set fire to the city should its defence prove unavailing, and that I purposed, when the joint answer to be given to Dr. de las Carreras' note came to be discussed by my colleagues, to suggest that we should declare to his Excellency that no Government professing opinions of that nature could look to the Diplomatic Body for moral support.

I accordingly on Sunday, the 15th instant, when our meeting took place, spoke to my colleagues in that sense, but my proposition was only supported by Baron de Gülich, the Prussian Chargé d'Affaires.

Signor Barbolani, M. Maillefer, and Señor Hernandez, the Spanish Chargé d'Affaires, did not assent to my proposition. Senhor Leitte, the Portuguese Chargé d'Affaires, was not present at the meeting.

The answer, of which I have the honour to inclose a copy, was drawn up by my colleagues of Italy, France, and Spain; and Baron Gülich and I, with the view of maintaining the common action to the Diplomatic Body, gave our unwilling assent to it.

This answer, moderate as it is, has not been published by Dr. de las Carreras.

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—*Signor Barbolani to Señor de las Carreras.*

M. LE MINISTRE,

Monte Video, le 16 Janvier, 1865.

JE me suis empressé de communiquer à mes collègues du Corps Diplomatique la note que votre Excellence m'a fait l'honneur de m'adresser en date du 13, par laquelle le Gouvernement de la République manifeste encore une fois le désir de connaître quelle sera l'attitude des forces navales étrangères en cas de bombardement ou d'attaque par mer contre la ville de Monte Video.

Mes honorables collègues, après avoir mûrement délibéré sur cette communication, m'ont chargé de faire savoir à votre Excellence que, malgré l'insistance du Gouvernement, il ne leur paraît pas opportun de répondre à l'espèce de sommation qui termine la note précitée.

Veuillez, &c.,

Señor de las Carreras.

R. ULISSE BARBOLANI.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 17, 1865.

By the French mail-packet of the 15th instant, Dr. Don Candido Juanico, President of the Supreme Court of Justice, was sent by the Government of the Republic on a special mission to England, France, Italy, and Spain.

This mission was not officially notified to the Representatives of those Powers here until after Dr. Candido Juanico had taken his departure, when it was known to them by the note addressed to Signor Barbolani, of which I have the honour to forward the annexed copy and translation to your Lordship.

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received March 7.)

(Extract.)

Monte Video, January 28, 1865.

THE Brazilian naval commander, Baron de Tamandaré, has arrived here with a force of 8 or 9 steamers, having troops and artillery on board, with the view of summoning the city to surrender, and, in case of a refusal, attacking it by sea, while General Flores, aided by Brazilian troops, attacks it simultaneously by land.

General Flores is said to be at the Paso del Molino, about 5 miles from this place, but I have not been able to learn for certain that this is so.

The Government profess an intention of resisting to the utmost this combined attack on the city, a course of proceeding which, in the opinion of well-informed persons, can lead only to a great and wanton destruction of life and property.

Having occasion to see the Minister of War, I said to him I trusted the Government would not maintain an impossible defence

of the city. He replied, that if Monte Video could not defend itself at least it could perish.

Trenches have been cut across most of the streets, and barricades erected across many of them. Most of the private wharves have been pulled down by order of the Government.

The force on which the Government professes to rely, consists, it is said, of about 6,000 men, some 1,200 of whom are from the country.

Earl Russell.

W. G. LETTSOM.

Earl Russell to Mr. Thornton.

SIR, *Foreign Office, March 7, 1865.*

I HAVE received your despatches to the 27th January inclusive, and with reference to the demand which, in your despatch of the 25th of that month, you report to have been made by the Governments of Paraguay and Brazil for permission for their respective armies to pass through the Argentine territories, I have to state to you that Her Majesty's Government hope that such permission will have been refused to both parties.

I am, &c.,

E. Thornton, Esq.

RUSSELL.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. March 8.)

SIR, *Admiralty, March 7, 1865.*

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 29th January last, from Rear-Admiral the Honourable C. B. Elliot, reporting a guard of Royal Marines having been landed, in conjunction with men from the French, Spanish, and Italian ships of war, for the protection of the banks at Monte Video.

I am, &c.,

E. Hammond, Esq.

W. G. ROMAINE.

(Inclosure.)—Rear-Admiral Elliot to the Secretary to the Admiralty.

SIR, *Satellite, at Monte Video, January 29, 1865.*

I HAVE the honour to report, for the information of the Lords Commissioners of the Admiralty, that on the morning of the 9th instant I received notice from Mr. Lettsom, Her Majesty's Chargé d'Affaires, that the Government of the Republic had applied, through him and his colleagues, at an early hour that morning, for guards to be landed from the ships of their respective nations for the protection of the Commercial and Maná Banks before their usual hour of opening, disturbances being anticipated.

Acting in conjunction with the French Admiral, the Italian Commodore, and the senior Spanish naval officer, I acceded to this

request, 10 men being landed from the vessels of each nation. The guard of English was told off for the Commercial Bank, but that establishment not wishing to have them in addition to the Spanish guard, they were requested to occupy the English Bank, where they remained till the 17th instant, when Mr. Lettsom having acquainted me that the Government did not require their services, and there being no reason to apprehend disturbances, I withdrew them. The guards from the other foreign ships remain at the other banks, some monetary transaction of the Government in connection with loans being thought to endanger those establishments.

No disturbances have taken place.

I have, &c.,

W. G. Romaine, Esq.

C. B. ELLIOT.

Mr. Hammond to the Secretary to the Admiralty.

(Extract.)

Foreign Office, March 8, 1865.

I AM directed by Earl Russell to request that you will acquaint the Lords Commissioners of the Admiralty that his Lordship has deemed it advisable to take the opinion of Her Majesty's Advocate-General as to whether Her Majesty's Government would be justified in instructing the British Admiral in the River Plate to see that the privileges granted to Great Britain by the Treaty with the Argentine Confederation of the 10th of July, 1853,* and by the Treaty with Paraguay of the 4th of March, 1853,† are not infringed.

By Article VI of the first of these Treaties it is provided that "if a war should break out between any of the States, Republics, or Provinces of the River Plate or its confluent, the navigation of the Rivers Paraná and Uruguay shall remain free to the merchant flag of all nations, excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon-balls."

No similar provision, however, is contained in the Treaty with Paraguay.

The Argentine Confederation is not at present engaged in the war which is carried on between the State of Uruguay and the State of Paraguay and the Empire of Brazil.

I am to state to you under these circumstances, for the information of the Lords Commissioners of the Admiralty, that Lord Russell is of opinion that Admiral Elliot should be instructed generally to see that the free navigation of the River Plate by British merchant-vessels be not interfered with, but at the same time to cause strict injunctions to be given to the masters of British vessels not to carry any munitions of war of any description to any belligerent, warning them that if they do so they may render them-

* Vol. XLII. Page 3.

† Vol. XLII. Page 19.

selves liable to the exercise of belligerent rights and the penalties incident to an infringement of neutrality.

W. G. Romaine, Esq.

E. HAMMOND.

*Earl Russell to Mr. Thornton.**

(Extract.)

Foreign Office, March 8, 1865.

I INCLOSE herewith, for your information, a copy of a letter as marked in the margin† respecting the maintenance of the free navigation of the Rivers Paraná and Uruguay during the present hostilities in the River Plate.

I am, &c.,

E. Thornton, Esq.

RUSSELL.

*Earl Russell to Mr. Thornton.**

SIR,

Foreign Office, March 16, 1865.

WITH reference to my despatch of the 8th instant, respecting the maintenance of the free navigation of the River Plate and adjoining rivers, I transmit to you herewith, for your information, a copy of a despatch from Her Majesty's Ambassador at Paris, reporting that the French commanding officers in those seas will receive similar instructions to those sent to Admiral Elliot on this subject.

I also inclose copies of a notice inserted in the "London Gazette" of the 14th instant, warning British merchants trading in the River Plate of the liabilities they incur in the present state of affairs by carrying munitions of war to any of the belligerent Powers; and I have to instruct you to take steps for giving due publicity to the same.

I am, &c.,

E. Thornton, Esq.

RUSSELL.

(Inclosure.)—*Extract from the "London Gazette" of March 14, 1865.*

[See Vol. LV. Page 294.]

Mr. Elliot to Earl Russell.—(Received March 24.)

(Extract.)

Turin, March 18, 1865.

I HAVE the honour to forward to your Lordship herewith copies of the Report given in the "Italie" newspaper of the reply of General La Marmora to a question put to him in the Chamber of Deputies relative to the hostilities going on in the River Plate.

The General observed to me that he was anxious it should be known that the Italian Government was pursuing exactly the same line of policy as that followed by Her Majesty's Government, and that their only object was to protect Italian interests, taking no

* A similar despatch was addressed to Mr. Lettsom.

† Page 1240.

part in the contest beyond what might be done by friendly and conciliatory advice to the belligerents.

Earl Russell.

HENRY ELLIOT.

Mr. Thornton to Earl Russell.—(Received April 5.)

(Extract.)

Buenos Ayres, February 11, 1865.

ON the 5th instant Señor Elizalde received a letter from Señor Berges, Paraguayan Minister for Foreign Affairs, transmitting a request from his Government that the Argentine Government would grant permission to a Paraguayan army to cross the territory of the Province of Corrientes for the purpose of carrying on the war which they had declared against Brazil. This territory is the slip of land on the right bank of the Uruguay to which I alluded in my despatch of the 25th ultimo.

Señor Berges stated that in 1855, when the Brazilian Government sent a hostile naval expedition against Paraguay, the Argentine Government not only did not prevent that expedition from passing by Martin Garcia and proceeding up the River Paraná, but allowed it to be supplied with provisions and other necessities from the Argentine provinces along the banks of the river.

Señor Elizalde assured me that the Argentine Government would refuse to grant the permission requested, on the ground that the Constitution of this Republic,* in the 25th section of Article LXVII, expressly declares that it is an attribute of the Congress alone "to permit the entrance of foreign troops into the territory of the Confederation;" and he added that it would be impossible for Congress to assemble in an Extraordinary Session within a short time, which would not suit the views of the Paraguayan Government, for Señor Berges had asked for an immediate answer.

Señor Elizalde stated that it was the opinion of his Government that the fact of a Brazilian expedition having sailed up the River Paraná did not entitle Paraguay to demand a passage by land through Argentine territory; that the Paraná was, as it were, considered open to all the world, but especially to the river-bordering nations, and that it would be absurd to suppose that if England, for instance, were aggrieved by Paraguay, she would allow herself to be prevented from ascending the Paraná for the purpose of demanding satisfaction. To this observation I readily assented.

Señor Elizalde seemed hardly able to form an opinion as to what step the Paraguayan Government would decide upon taking when the rejection of their petition by the Argentine Government should reach them. At any rate, as it is not likely that they will move their army until the receipt of the answer, the Brazilian forces and

those of Flores, unless their progress should be still slower than it has yet been or they should meet with unexpected resistance, will have ample time to possess themselves of the town of Monte Video, before the Paraguayan army can disturb them.

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received April 5.)

MY LORD,

Monte Video, February 7, 1865.

I HAVE the honour to transmit to your Lordship herewith a copy and translation of a letter addressed to me by Vice-Admiral Baron Tamandaré, announcing to me the establishment by him of the blockade of Monte Video, in virtue of the orders of the Government of His Majesty the Emperor of Brazil.

I have likewise the honour to forward to your Lordship a copy of my answer to Baron Tamandaré's letter.

In Baron Tamandaré's letter your Lordship will observe that his Excellency speaks of commencing hostilities against the town at the conclusion of the period granted by him to merchant-vessels to withdraw from the port.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure 1.)—Vice-Admiral de Tamandaré to Mr. Lettsom.

(Translation.) *On board the Corvette Nitheroy, at Monte Video,*
M. LE MINISTRE, *February 2, 1865.*

I HAVE the honour to communicate to your Excellency, in order that you may be pleased to make it known to your fellow-countrymen, that this port is placed in a state of blockade from this date, in execution of the orders of the Government of His Majesty the Emperor of Brazil, in accordance with what I have just declared to the commanders of the foreign naval stations. The motives that justify this act of war, as well as those that are about to follow, are fully explained in the manifest which the Envoy Extraordinary of the Empire, Councillor Paranhos, addressed to Messieurs the Diplomatic Agents residing at Buenos Ayres, requesting them to make their respective colleagues resident in Monte Video acquainted therewith, and in the note that I have transmitted to the commanders referred to.

In consequence I grant a term of 7 days, reckoned from this date, for the vessels anchored at this anchorage-ground to put themselves in a safe place, in a position where they do not embarrass the operations which the squadron under my command has to execute against the town and may not suffer any damage from the fire thereof, it being in their power to remain in this position the time they may require to complete the shipment of any cargo they may have to receive outside the town itself, in places not occupied by the

enemy, since communication with the town is entirely and absolutely forbidden.

It is my intention to carry on hostilities only against those positions that are occupied by the enemy, and from which the latter fires upon our troops.

Nevertheless, the case should be foreseen of the enemy finding himself obliged to take refuge in the centre of the city, and that there should be a necessity of dislodging him from this last refuge, making use of all the measures permitted in war. Having in view this probability, which I request your Excellency to have notified to your fellow-countrymen, I hold it to be expedient that your Excellency should counsel them to retire from the town as soon as possible, it not being possible for me to indicate a term, because the present situation has been known for a long time and expected by all the inhabitants of this capital, and the operations cannot be delayed. In all the places occupied by the allies they will meet with protection and security for their persons and property.

It is superfluous to assure your Excellency that the allied forces have the most stringent and positive orders, which will be complied with, to respect the lives of the natives and foreigners who do not bear arms in favour of the enemy, and the properties not occupied by him, as well also as to have consideration for the residence of your Excellency, at the disposal of whom I have the honour to place a vessel of the squadron under my command if your Excellency should wish to retire from the town itself.

In fine, I have to state to your Excellency that General Flores has opened the port of the Buceo to national and foreign commerce, and that he will naturally establish there a market for the provisioning of all those that may have recourse thereto.

I salute, &c.,

W. G. Lettsom, Esq.

BARON DE TAMANDARÉ.

(Inclosure 2.)—*Mr. Lettsom to Vice-Admiral de Tamandaré.*

M. LE BARON,

Monte Video, February 7, 1865.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 2nd instant, acquainting me that from that date the port of Monte Video is declared in a state of blockade, in virtue of the orders of the Government of the Empire of Brazil; and that your Excellency has granted to the merchant-vessels lying here the term of 7 days from the date of your note to take in their freights, after which they will have to station themselves at a distance, in positions where they will not obstruct the operations which your Excellency is about to undertake against this city, it being, however, permitted to those merchant-vessels to remain at such distance the

time required to complete their freights, provided they do not receive them from points in the occupation of the enemy.

Your Excellency further states that it is your intention to carry on hostilities only against those positions that are occupied by the enemy, and from which the latter fires on the allied forces. I receive this assurance with gratification, being convinced that your Excellency's orders will in this respect be rigorously complied with.

Your Excellency proceeds to say that, in the case, however, arising of the enemy being obliged to take refuge in the centre of the city, and it becoming indispensable to drive him from that last refuge, it will be requisite for you to make use of all the measures recognized in war.

Should this case, in truth, present itself, I cannot doubt that the earnest wish of your Excellency will be that as little recourse as possible should be had to those fatal means of destruction which your Excellency's duty calls on you to employ.

In the view of the occurrence of this probability, I have, as your Excellency counsels me, advised my countrymen to retire from the city as soon as possible. Their wish to quit the town is, however, I lament to say, to a great extent thwarted by the Government of President Aguirre, which has recently issued a Decree forbidding persons from leaving Monte Video by land; and this Decree, as Dr. de las Carreras has just informed me, in reply to my inquiry, is not to be revoked.

Your Excellency further acquaints me that the allied forces have received the most stringent orders to respect the lives and properties of natives and foreigners not in arms in favour of the enemy. The word of your Excellency is sufficient to convince me that no efforts will be spared to ensure those orders being duly carried out.

With respect to that part of your Excellency's note wherein your Excellency is pleased to say that you place at my disposal a vessel of the squadron under your Excellency's orders, should I desire to withdraw from the city, while rendering to your Excellency my grateful acknowledgment for that attention, I beg to say that the presence of a British squadron will not render it necessary for me to avail myself of your Excellency's offer.

I have not failed to make known to the masters of British merchant-vessels that the port of Buceo is at present open to them.

I have, &c.,

Vice-Admiral de Tamandaré.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received April 5.)

MY LORD,

Monte Video, February 13, 1865.

WITH reference to the concluding paragraph of your Lordship's despatch of the 24th December last, I have the honour to

state that the condition of affairs between Brazil and this Republic has changed most materially since that despatch was written.

Uruguay has now declared officially that it accepts the war with Brazil, to which it has been provoked.

Brazil, on its part, has likewise made officially a like declaration in almost similar terms.

Brazilian sea and land forces, in virtue of orders of the Imperial Government, and as the allies of General Flores, are now investing this city and preparing to attack it.

The blockade of Monte Video, as your Lordship is aware from my despatch of the 7th instant, has been formally declared by Brazil.

This blockade is limited to the port of Monte Video.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received April 5.)

MY LORD,

Monte Video, February 15, 1865.

I HAVE the honour to forward to your Lordship a translation of a note from Dr. A. de las Carreras, requesting that orders may be given for the continuance at the London Bank here of the guard landed for its protection in the month of January last, and inquiring whether, should the Government request it, a guard would be landed for the protection of the Custom-house, or any other point that may be designated.

I have likewise the honour to inclose a copy of my answer to Dr. de las Carreras.

It will be seen that I acquainted his Excellency, first, that he is in error in stating that a guard was asked for by the Government in January last for the London Bank; and, secondly, that the case may arise when it may appear proper that a guard should be landed for the protection of the Custom-house.

With respect to the concluding request in Dr. de las Carreras' note, wherein he speaks of the possible necessity of a guard being landed "at any other spot to be designated," I could only answer that it was not in my power to give a definite reply to that application.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received April 5.)

MY LORD,

Monte Video, February 22, 1865.

I HAVE the honour to forward to your Lordship herewith copy and translation of a letter addressed by Baron Tamandaré to Rear-Admiral the Hon. C. B. Elliot, C.B., Commander-in-chief, announcing to him that the blockade of the port of Monte Video, which had

been established by order of the Government of Brazil, was raised on the 21st of this month.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(*Inclosure.*)—*Vice-Admiral Tamandaré to Rear-Admiral Elliot.*

(Translation.) *On board the Corvette Nitheroy, at Monte Video,*

MOST ILLUSTRIOUS AND EXCELLENT SIR, *February 21, 1865.*

I HAVE the satisfaction to communicate to your Excellency that the Convention of Peace between the Empire of Brazil and the Government of Monte Video having been signed yesterday, the blockade of this port, exercised by the naval forces under my command, is, for this happy motive, raised; and I pray your Excellency to be pleased to make it known to your Diplomatic Agent and fellow-countrymen.

I salute, &c.,

Rear-Admiral Elliot.

BARON DE TAMANDARÉ.

Mr. Lettsom to Earl Russell.—(*Received April 5.*)

MY LORD,

Monte Video, February 22, 1865.

IN consequence of a request from the President of the Republic, Señor Villalba, a force of marines and sailors from the English, French, Italian, and Spanish vessels-of-war stationed here was landed before daybreak on the 21st instant, and proceeded to occupy the Custom-house and the Government-house, with the view of maintaining order in the city, which threatened to be interrupted owing to the utter state of demoralization consequent on the breaking up of Señor Aguirre's Government.

The native guards were withdrawn—as had been agreed upon—on the landing of the foreign forces, the combined strength of which amounted to about 500 men.

About noon on the 21st instant, General Caraballo, one of General Flores' officers, entered the town in the character of "Commander-General." He was accompanied by a small detachment of his soldiers, who, from their appearance and comportment, inspired me but with little confidence when I saw them rush into the courtyard of the Government-house.

I thought the best thing to do was to go at once to General Caraballo, to ask what were his wishes as to the maintenance of the foreign troops at their present posts. He received me very civilly, and said that as he had to leave the town again that afternoon with his soldiers, he wished the combined foreign force to remain where they were till I heard from him on the matter again.

The next morning, early, I received from him the letter of which a copy and translation are annexed, stating that in the course of the day he should send troops of the "Liberating Army" to occupy the posts in question.

I have also the honour to place in your Lordship's hands a copy and translation of my answer to General Caraballo's letter.

The combined foreign forces were withdrawn, both from the Government-house and the Custom-house, on the afternoon of this day.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Mr. Lettsom to Earl Russell.—(Received April 5.)

MY LORD,

Monte Video, February 24, 1865.

I HAVE the honour to forward to your Lordship herewith two printed copies and a translation of the Convention of Peace signed on the 20th instant at La Union, a town about 4 miles from this city, by General Flores, Senhor Paranhos, the Brazilian Representative, and Dr. Manuel Herrera y Obes, the Plenipotentiary named by his Excellency Señor Villalba.

Señor Villalba ratified this Convention without delay.

The Convention bears evident marks of the extreme haste with which it was drawn up.

In proof thereof I may draw your Lordship's attention to the declarations of Senhor Paranhos and of Dr. Herrera y Obes, which, as will be seen from the inclosed official copy of the Convention, appear to form a part of that document itself.

The wording of Article II of the Convention has, from its looseness, proved the source of much comment and distrust.

It was, I understand, the original intention of General Flores to have excluded by name, by Article II of the Convention, some 10 or 12 individuals from the provisions contained in Article I, but Dr. Herrera y Obes persuaded him to consent to give to Article II the form in which it now stands.

The consequence has been that as no one knows whether or not he is one of the persons to whom Article II, as it at present stands, applies, almost all the personages of mark under the administration of President Aguirre have taken flight.

Señor Aguirre himself, the whole of his Ministers, nearly all the Generals in command here, very many of the officers, the captain of the port, the chief of police, and almost all the other notable persons of the "Blanco" party, have fled. They have betaken themselves to Buenos Ayres or Concepcion del Uruguay in Entre Rios.

It is, as yet, too early for me to be able to acquaint your Lordship with the general effect produced in the Republic by this Convention.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(*Inclosure.*)—*Articles of the Peace Convention between Brazil and Uruguay, signed at La Union, February 20, 1865.*

(Translation.)

ART. I. Reconciliation is happily re-established among the Oriental family, or peace and good harmony between all its members, without any one of them being liable to be accused, put on his trial, or harassed for his opinions or political or military acts performed in the present war. In consequence, from this moment, civil and political equality is in vigour among all Orientals, and all of them are in the full enjoyment of the individual guarantees and of the political rights which the Constitution of the State granted to them.

II. There are excepted from the stipulations of the foregoing Article both common crimes and offences, as well also as those political ones which, owing to their special nature, may be subject to the jurisdiction of the Courts of Justice.

III. Until the Government and a complete constitutional regimen are established, the country shall be ruled by a Provisional Government presided over by his Excellency Brigadier-General Don Venancio Flores, with one or more responsible Secretaries of State, freely chosen by the said General, and who may be dismissed *ad nutum*.

IV. The elections, both for Deputies and Senators, as well as for the Económico-Administrative Juntas, shall take place as speedily as possible, and immediately that the internal state of the country permits it, and shall in every case be carried into effect at the period designated by law.

In both elections the mode and form shall be observed which are determined by the special laws, in order to assure to all citizens the most ample guarantees for the freedom of their votes.

V. All the military ranks and employments are recognized that have been granted up to the date on which the present Convention shall be signed.

VI. All properties of persons compromised in the civil contention, which may have been occupied or sequestered by general or special dispositions of the contending authorities, shall be immediately delivered to their owners, and placed under the guarantee of Article 144 of the Constitution.

VII. Immediately after the conclusion of the present Convention all the National Guards that are in active military service shall be discharged, and their arms shall be collected and deposited in the customary form at the suitable offices.

VIII. The present Convention shall be considered definitively concluded, and shall have immediate and full execution, as soon as

the acceptance thereof on the part of his Excellency Don Thomas Villalba is established in an authentic manner; this acceptance shall be given and communicated within 24 hours after it has been signed by the negotiators.

The Minister of His Majesty the Emperor of Brazil having been heard with respect to the above-mentioned Articles, his Excellency declared that the Agreement entered into by the ally of Brazil could not but be applauded by the Imperial Government, which would see therein reasonable and just bases for Oriental reconciliation, and a solid guarantee for the legitimate designs which obliged the Empire to enter upon the war which happily was about to conclude.

There having been previously offered to Brazil by his Excellency Brigadier-General Don Venancio Flores, as its ally, the just reparation that the Empire had demanded prior to the war, and the Imperial Government putting full trust in the friendly and honourable agreement established by the notes of the 28th and 31st January last, spontaneously initiated by the illustrious General who is about to assume the Supreme Government of all the Republic, the Representative of Brazil declared that he demanded nothing more in this respect, considering that the dignity and rights of the Empire are maintained without infringing on the independence and integrity of the Republic, or the harmony of the pacific and conciliatory policy that was about to be inaugurated in this country.

His Excellency Dr. Don Manuel Herrera y Obes declared that it was grateful to him to hear the moderate, just, and benevolent sentiments which his Excellency the Minister of Brazil had expressed with respect to the Oriental nation; that he had pleasure in recognizing that in the agreement contained in the notes to which the Minister refers, for authentic copies whereof he thanked him, there is nothing that is not honourable to both parties; and that that agreement being an engagement which it will fall to the Provisional Government, of which Brigadier-General Don Venancio Flores will be the Chief, to give effect to, he could not oppose the least difficulty to the celebration of peace between the Orientals, and between them and Brazil.

And all being in accordance as to the present Protocol, 3 copies were drawn up, which were signed by the negotiators.

Done at the town of La Union, on the 20th day of the month of February, 1865.

VENANCIO FLORES.

JOSÉ MARIA DA SILVA PARANHOS.

MANUEL HERRERA Y OBES.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. April 7.)
(Extract.) *Admiralty, April 6, 1865.*

I AM commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of Earl Russell, that a letter has been received from Rear-Admiral Elliot of the 28th February last, reporting that all was quiet in Monte Video, and that he had re-embarked the guards that were left in the Legations and the London and River Plate Bank. Some of the Brazilian troops were quartered in the town, and the remainder of the army was encamped a few miles off.

E. Hammond, Esq.

W. G. ROMAINÉ.

Señor Bareiro to Earl Russell.—(Received May 3.)
(Translation.) *Legation of Paraguay in England,*
MY LORD, *Paris, April 26, 1865.*

I HAVE the honour to make known to your Excellency a fact which interests directly the freedom and security of the maritime trade of the countries situated upon the rivers flowing into the Rio de la Plata.

My Government has received a note dated the 9th February last, by which the Government of the Argentine Republic communicates its disposition to allow the waters of the Paraná to be used as a passage by the Brazilian squadron for the purpose of carrying the war to Paraguay, in which, nevertheless, the Argentine Government professes to be neutral.

This communication was made in answer to a request made in vain by Paraguay for permission to pass through the territory of one of the Argentine provinces, in case it should be required by the necessities of the war in which she is engaged with Brazil.

The Argentine Government has appealed to existing Treaties for the purpose of establishing this policy. As the decisive Treaties upon this subject are those of 1853, in which Her Britannic Majesty's Government is a party, as towards Paraguay and the Argentine Republic, the right cannot be refused to England in the discussion now going on of making herself heard by Brazil, and by an Argentine Government which itself continually calls to mind that it is not the one which signed the fluvial Treaties of 1853 which are objected to by Buenos Ayres and by Brazil.

There is something worthy of your attention, M. le Ministre, in the contradiction between the indulgence shown by the Argentine Government towards Brazil, and the Law of the 18th October, 1852,* by which the State of Buenos Ayres prohibited ships-of-war from entering the Paraná; a law which the Argentine Plenipotentiary in

London has just now recognized as being in force, in the letter which he has addressed to a newspaper in Paris, a copy of which I have the honour to inclose to your Excellency.

It is not the wish of Paraguay to seek in any interpretation of Treaties an evasion against the arms of Brazil; but she cannot remain indifferent to doctrines which involve in the utmost uncertainty the fate of free navigation which has been established by Treaties in accordance with views of civilization and of aggrandizement of commerce and people.

And if Her Britannic Majesty's Government, on the occasion of the present conflicts going on in the Plata, has not long since called the attention of its Admiralty to measures demanded by the state of things in favour of the exact observance of the above-mentioned Treaties, would it not be the case, my Lord, to include in this inquiry whether or not the free navigation of the affluents of the Plata was established and understood in a different way from what is understood in that of the Rhine, the Elbe, the Danube, and the other navigable rivers of Europe in relation to the state of war? whether the permission granted to ships-of-war to exercise a vigilance of security in favour of commerce includes a permission to occupy those interior rivers by numerous squadrons, and to establish therein the basis of large blockades, without prejudice to the neutrality of the countries to which their waters belong? and whether those rivers, which may be looked upon as lengthened harbours or territorial waters rather than as the open sea, may be converted to a field of battle or to the head-quarters of a third belligerent Power which may not perhaps be a party in the Treaties regulating the liberty of this navigation? I have, &c.,

Earl Russell.

CANDIDO BAREIRO.

Mr. Thornton to Earl Russell.—(Received May 3.)

MY LORD,

Buenos Ayres, March 25, 1865.

WITH reference to my despatch of the 11th ultimo, in which I stated that the Paraguayan Government had requested of the Argentine Government permission for their army to pass through the Argentine province of Corrientes, for the purpose of carrying on war against Brazil, I have now the honour to transmit herewith to your Lordship translations of Señor Berges' note of the 14th of January last, making the above-mentioned request, and of Señor Elizalde's reply of the 9th ultimo, in which his Excellency, in the name of his Government, declines complying with the petition of that of Paraguay.

Señor Elizalde has since told me that if the Paraguayan forces, in spite of the refusal to grant them a passage, should violate Argen-

tine territory, his Government would be obliged to declare war against Paraguay; for, however anxious they might be to remain on friendly terms with that Republic, and to preserve the strictest neutrality in the contest between it and Brazil, it would be less disadvantageous to the Argentine Republic to declare war against Paraguay than to run the risk that Argentine territory might become the battle-field of the combatants.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received May 3.)

MY LORD,

Buenos Ayres, March 25, 1865.

ON the 5th instant the Paraguayan Congress assembled at Assumption in Extraordinary Session. I have the honour to inclose translation of the President's Message to the Congress, in which his Excellency refers to the war with Brazil and the not very cordial relations between Paraguay and the Argentine Republic, and requests their decision upon the conduct by which the Government were to be guided in the present grave emergencies.

In the subsequent discussions the Congress expressed entire confidence in the wisdom of the President, and proceeded to sanction Decrees conferring upon his Excellency the title and rank of Marshal of the Armies of the Republic, granting him a salary of 60,000 dollars, or about 12,000*l.* per annum, and authorizing him to raise a loan of 25,000,000 dollars, or about 5,000,000*l.* sterling.

It was proposed that the President should not be allowed to leave the Republic for the purpose of commanding any expedition which he might deem it necessary to send abroad; but his Excellency having expressed his disapproval of any attempts to limit his action in this respect, the Congress left the matter to his discretion.

The Congress was still sitting at the date of the last news from Assumption.

I have, &c.,

Earl Russell.

EDWD. THORNTON

(Inclosure.)—Message of the President of Paraguay on the Opening of (Translation.) Congress.—Asuncion, March 5, 1865.

VERY HONOURABLE REPRESENTATIVES OF THE NATION :

I FEEL the liveliest satisfaction in seeing you assembled in this august place on an occasion so vital to the country. The public good, and grave matters to be laid before you, induced me to exercise the Law of 13th March, 1844, by calling you for extraordinary session, that your patriotism and wisdom may advise how to guide the Government, and your authority lend that strength which is expected by the nation. Since you entrusted to me the destinies

of the Republic, one of my most constant studies has been to preserve friendly relations with foreign Powers, which still exist in a cordial manner with all except Brazil and the Argentine Republic.

The Imperial Government, following an unwise and lamentable policy, has driven us to a recourse to arms, which neither our moderation nor efforts for peace have been able to avert. The Argentine Government, to which we have ever shown exuberant testimony of sincere friendship, has also created an uneasy feeling by an interchange of notes in which that Government, far from reciprocating our loyalty and good faith, has thought fit to elude the amicable explanations demanded. A momentary difficulty also arose with the Republic of Uruguay, but that Government giving due satisfaction our friendly relations were renewed.

The cause of our rupture with Brazil and coolness with the Argentine Republic is owing to the sanguinary events of Uruguay, and the threatened violation of equilibrium in the River Plate. These two Powers, which guaranteed the independence of Monte Video, are now its assailants, and Brazil, after concluding a solemn Treaty in 1850 for the maintenance of existing nationalities in this part of South America, allies itself with the rebel band which started from Buenos Ayres, and is still supported by the Revolutionary Committee of that city, and which now devastates the Republic of Uruguay.

Paraguay, although secure in its own importance and strength, could not overlook the question of equilibrium in the River Plate, or view current events with indifference; we did our best to avoid calamities by soliciting amicable explanations from the Argentine Government in the Oriental question, and offering our mediation to Brazil to bring about a peaceable arrangement with Monte Video when that country was menaced by the land and sea forces of the Empire.

It was, however, impossible to prevent bloodshed, for Brazil rejected our mediation, and declared that its question of grievances for the last 12 years must be confided to the army and navy to make "reprisals;" and under this name is carried on the war which now afflicts Uruguay. So serious a resolution was not communicated to this Government, whose friendly offer of mediation was disregarded. Until then the Paraguayan Government hoped that the Emperor would adopt wiser counsels, and offer honourable explanations to quell the serious fears about a rupture of equilibrium in the River Plate which was the basis of law and order in these countries. This hope was notified to the Imperial Government, but proved in vain, and Brazil openly proceeded to the occupation and conquest of the Banda Oriental.

The national honour and dignity being thus outraged, and the

security and integrity of the Republic compromised, the Government saw itself in the imperious necessity of accepting war with Brazil in maintenance of its own vital interests, and in order to avenge the national honour so often slighted by the Empire. Military and political reasons, as well as the safety of our frontier, urged the Government to occupy a part of Matto Grosso which Brazil had usurped, although belonging to the Republic by virtue of discovery, possession, and Treaties, and collected their great military resources to prepare new inroads on Paraguay.

The Government ordered the occupation of those territories, and our military expeditions have had occasion to confer fresh glory on our arms and give proof of their valour and discipline. It was necessary to repel in this manner the aggression of Brazil, and in this the Government was encouraged by the decision of the Council of State and the public manifestations of the people.

Foreseeing that a conflict might occur with Brazil on our eastern frontier, and in order to prevent any misunderstanding with the Argentine Government, and show still further proofs of respect for that nation, my Government, laying aside all motives of resentment, solicited permission from the Argentine Cabinet to cross the territory of Corrientes when events might so oblige. But the latter not only refuses this permission, and aids Brazil by allowing her free passage by water for her army and navy, but prohibits our crossing the national territory of Misiones del Paraná, calling, moreover, for urgent explanations about the presence and purpose of our forces in that quarter.

The situation of the country required the adoption of means for its defence; and the army of the line has been considerably augmented by a general call to arms, which the citizens answered with enthusiasm, enrolling themselves in the ranks.

The Government now solicits your sovereign approbation and advice how to act in so grave an emergency.

Seeing the advanced age and declining health of the Diocesan Bishop, the religious service of the State demanded a coadjutor; and Dr. Palacios, Dean of the Chapter, was presented to His Holiness Pius IX, who graciously issued the Bulls, and in this manner provided for the demise of the Bishop Juan Gregorio Urbieto.

The internal state of the country is satisfactory, peace and harmony reign in the public administration, and the officials discharge their duties with zeal and patriotism.

The finances of the State continue to answer all the demands for public works and warlike preparations. The Secretaries of State in their several Departments will give your honourable Chamber a report of their trust.

In summoning you, Honourable Representatives, to these

Sessions, my object is to give you account of the situation of the country, the means which I deemed necessary to protect its interests; and with entire faith in your patriotism and enlightenment, I submit to you the grave matters which you are about to discuss, confident that you will be guided by a true love of country, and zeal for the honour, dignity, and prosperity of the country, and that your resolutions will correspond to the hopes of your countrymen, whose eyes are at present fixed upon you.

FRANCISCO S. LOPEZ.

Mr. Lettsom to Earl Russell.—(Received May 3.)

(Extract.)

Monte Video, March 27, 1865.

News has been received here lately from Rio de Janeiro to the effect that the Brazilian Government disapprove altogether of the Peace Convention of the 20th of February last,* signed by General Flores, Senhor Paranhos, and Dr. Herrera y Obes, the latter acting on the part of the President, Señor Villalba.

The Imperial Government declare nevertheless that they accept the arrangement entered into by their Plenipotentiary, Senhor Paranhos, who has, however, been recalled by his Government in consequence of the manner in which the negotiation was conducted by him.

As far as I can understand the matter as yet, the Brazilian Government appear, by thus acting, to have committed great injustice towards a talented and faithful servant of the Imperial Crown.

The Convention of the 20th of February secures to the Brazilian Government, as your Lordship will have seen, all the redress demanded for their long-standing grievances, and this success has been obtained without the sacrifice of a single Brazilian soldier, or the consumption of any materials of war—both points of the utmost importance to Brazil when about to enter on a war with Paraguay, a war in which prudence counsels the adoption of the strictest economy of every resource, inasmuch as it seems admitted on all hands that the Imperial Government find themselves sorely pressed to provide what is considered necessary for commencing their projected attack.

Senhor Paranhos will leave Monte Video for Rio de Janeiro by the English mail-steamer of the 30th instant.

Earl Russell.

W. G. LETTSOM.

Mr. Hammond to the Secretary to the Admiralty.

SIR,

Foreign Office, May 6, 1865.

WITH reference to the concluding paragraph of Admiral Elliot's

despatch of the 29th of March last, of which a copy is inclosed in your letter of the 3rd instant, stating that the Brazilian Admiral in the River Plate had expressed his intention to blockade the Paraguay, I am directed by Earl Russell to request that you will point out to the Lords Commissioners of the Admiralty that a lawful blockade, duly notified, must be respected. I am, &c.,

W. G. Romaine, Esq.

E. HAMMOND.

Earl Russell to Señor Bareiro.

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, May 15, 1865.*

I HAD the honour, on the 4th instant, to acknowledge the receipt of your letter of the 26th ultimo, making certain observations on the part of your Government respecting the conduct of the Argentine Government in allowing a Brazilian squadron to pass up the Paraná; and I now beg to state to you, in reply thereto, that Her Majesty's Government do not consider that the provisions of the Treaties to which you refer would justify their interposition in the matter now in question between the Argentine and Paraguayan Governments.

Her Majesty's Government are of opinion that, by the Treaty of the 10th July, 1853,* between Her Majesty and the Argentine Confederation, they are entitled to insist upon the free navigation of the Rivers Paraná and Uruguay by merchants of all nations, even in time of war, "excepting in what may relate to munitions of war, such as arms of all kinds, gunpowder, lead, and cannon-balls;" but they are not of opinion that they are empowered either by the express provisions of any Treaty, or by the general principles of international law, to prevent the sailing of a Brazilian fleet up the River Paraná for the purpose of carrying on hostilities—in a war in which Her Majesty is strictly neutral—against Paraguay, or to call in question the right of the Brazilian Government to establish and to enforce a legitimate blockade of the ports of Paraguay; it must be for the Argentine Government to consider whether they ought or ought not to allow the Brazilian fleet to pass through the waters of Argentine territory. I am, &c.,

Señor Bareiro.

RUSSELL.

Mr. Lettsom to Earl Russell.—(Received May 21.)

MY LORD, *Monte Video, April 4, 1865.*

By the English papers which arrived here towards the middle of last month, I learn that, in the House of Commons, the question of the supposed designs of Brazil against the independence of this Republic had been brought forward.

I therefore deemed it proper to transmit to your Lordship a

translation of the speech which his Excellency the Councillor Senhor F. Octaviano de Almeida Rosa delivered this day, when placing in the hands of Brigadier-General Flores the letter of His Majesty the Emperor of Brazil accrediting him as Envoy Extraordinary and Minister Plenipotentiary of the Empire on a special mission to this Republic.

The language of his Excellency Senhor de Almeida Rosa disclaims, in the most distinct terms, all intention on the part of Brazil either of attacking the independence and integrity of this Republic or of aspiring to establish a political supremacy in this country.

Those pledges are, moreover, given by his Excellency not only to the Government of the Republic, but, as your Lordship will observe, to the Governments of all civilized nations as well.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

Señor Balcarce to Earl Russell.—(Received May 22.)

Maurigy's Hotel, Waterloo Place,

MILORD,

Londres, le 22 Mai, 1865.

QU'IL me soit permise d'exposer à votre Excellence quelques considérations relatives aux complications prochaines que peuvent amener l'attitude et la politique du Gouvernement du Paraguay.

Depuis longtemps les organes officiels ou officieux du Président Lopez se sont appliqués par tous les moyens en leur pouvoir à indisposer en Europe l'opinion publique contre la Confédération Argentine, en calomniant les actes et les intentions de son Gouvernement, et en le représentant comme systématiquement hostile à la République du Paraguay.

Pour toute réponse à ces attaques, non moins obstinées qu'injustes, mon Gouvernement, convaincu que le plus grand bien dont puisse jouir la République Argentine, si souvent agitée par la guerre, est le maintien de la paix, et préoccupé, en même temps, de l'immense commerce étranger dont les intérêts se trouvent engagés dans ces questions, et auxquels toute lutte dans ces pays porte nécessairement atteinte, a fait tous ses efforts pour stériliser ces provocations et pour éviter les éventualités hostiles auxquelles elles pouvaient conduire. Toutefois, il est une mesure où s'arrête la prudence; et si par malheur, si par une acte d'inexplicable aberration politique, le Paraguay violait à la fois et le territoire Argentin et le Traité qui oblige mutuellement le Paraguay et la République Argentine à ne se faire la guerre qu'après l'avoir déclarée respectivement 6 mois à l'avance, le Gouvernement de la République Argentine se trouverait alors dans la nécessité absolue de renoncer à son attitude

pacifique, pour accepter la guerre, la poursuivre avec énergie, et la terminer avec promptitude.

Ce ne sont là encore, Milord, que des hypothèses. J'ose espérer qu'elles ne viendront point à se réaliser; mais, dans tous les cas, j'ai regardé comme un devoir d'appeler la haute et impartiale attention de votre Seigneurie sur les intentions qui dirigent mon Gouvernement, et sur une politique qui lui a mérité l'approbation de l'Europe, et, en particulier, les si précieuses sympathies de la nation et du Gouvernement Britanniques.

Daignez, &c.,

Earl Russell.

M. BALCARCE, *Envoyé Extraordinaire
et Ministre Plénipotentiaire de la
Confédération Argentine.*

Mr. Thornton to Earl Russell.—(Received June 4.)

MY LORD,

Buenos Ayres, April 24, 1865.

IN my despatch of the 12th instant I had the honour to inform your Lordship of a rumour which was then current in Buenos Ayres, that the Republic of Paraguay had declared war against the Argentine Republic. No communication, however, upon that or any other subject has since been received from the Paraguayan Government; but on the 16th instant news reached this town that on the morning of the 13th instant 5 Paraguayan war-steamers crowded with soldiers made their appearance at the Argentine port of Corrientes. Two of them ranged alongside two small Argentine steamers of war, the *25 de Mayo* and the *Guaqueguay*, which were lying at anchor in the port, and without any intimation whatever fired a volley of grape-shot and musketry into them, and then proceeded to board them. I am assured that the officers and crews of the Argentine vessels, who had a right to believe, and really did believe, that peace existed between their country and Paraguay, rushed upon deck without arms, and that several of them were killed where they stood. I fear that among them were some Englishmen. The Paraguayan steamers then retired, taking with them their two prizes.

The exploit was doubtless a barbarous one, and the news created, as may be supposed, great irritation and excitement. The answer to it could not but be a declaration of war, and I have the honour to inclose translations of the Proclamation which was immediately issued by the President; of a Decree of the 16th instant, putting the whole of the Republic under martial law; and of a circular addressed by Señor Elizalde to the Diplomatic Body on the 18th instant, stating the causes which forced the Argentine Government to make war upon Paraguay. A copy of my answer is likewise inclosed.

The provocation given by President Lopez seemed so extraordinary that it was believed he must count upon some co-operation and assistance from what is called the Federal party in the Argentine Republic, which is in political opposition to the Government, and of which General Urquiza is the head ; but if so, it would seem that he has been completely disappointed, for General Urquiza has declared his entire adhesion to the Government in the war against Paraguay, has accepted the command conferred upon him by General Mitre of the Entre Rios contingent, and is actively engaged in assembling his men.

The Government are likewise taking the most energetic measures for forming an army ; 1,500 men were dispatched yesterday up the River Paraná, and they will soon be followed by 5,000 or 6,000 more. The Governor of Corrientes has already collected 5,000 men in his Province, and General Urquiza will, in a few days, have under his orders 10,000 men in Entre Rios. I believe that in about two months General Mitre, who will put himself at the head of the army, may have at his disposal nearly 25,000 men. I presume that the Brazilian forces now at Monte Video, or on their way towards Entre Rios, are not less than 16,000 men. The Argentine Government have no vessels that can really be called men-of-war, although they have 5 or 6 steamers at their disposal which will be useful as transports ; but the Brazilians have about 20 serviceable steamers of war, suited to the navigation of the rivers, 8 of which should be now near Corrientes.

For some days it has been rumoured that a Paraguayan force had also taken possession of the town of Corrientes, but it was only yesterday that authentic news arrived that 6 Paraguayan steamers appeared on the morning of the 14th instant at Corrientes, and landed about 4,000 men, who occupied the town. They were subsequently joined by about 1,000 cavalry who had come along the coast of the River Paraná. Another Paraguayan force, but of what amount it is not known, came lower down the river and took possession of Ñempedrado, a small town about 35 miles below Corrientes, on the coast of the Paraná.

I had supposed that on the arrival here of Senhor Octaviano, the Brazilian Minister, who had come here sooner than he had intended, at the invitation of the Argentine Government, negotiations would at once have been entered into for a formal alliance with Brazil as regards the war against Paraguay ; but at first there was an evident coolness between Senhor Octaviano and the Argentine Government. I can only attribute it to the stipulation demanded by the former, that both parties should declare that they would respect the independence of the Republic of Paraguay. Both President Mitre and Señor Elizalde have at different times declared to me that for

the present they wished Paraguay to be independent ; that it would not suit them to annex Paraguay, even if the Paraguayans should wish it ; but that they were unwilling to make any engagement to that effect with Brazil ; for they did not conceal from me that whatever were their present views on this point, circumstances might change them hereafter ; and Señor Elizalde, who is about 40 years old, said to me one day, though in mere conversation, that “ he hoped he should live to see Bolivia, Paraguay, Uruguay, and the Argentine Republic united in one Confederation, and forming a powerful Republic in South America.” It would seem, however, that the nearer approach of danger has tended to modify the views of the Argentine Government upon this subject, and I understand that a confidential understanding with regard to the proposed alliance was come to this morning between President Mitre and Senhor Octaviano. A messenger has been dispatched this evening to Monte Video for the purpose of inviting General Flores, the Provisional Governor of the Republic of the Uruguay, to visit Buenos Ayres, in order to concert a triple alliance. I presume that on his arrival a formal Treaty will be drawn up. This and other important matters will have to be submitted to the Congress, who it is hoped will open their session on the 1st of next month.

I will endeavour before the sailing of the packet to obtain the heads of the proposed alliance for your Lordship’s information.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(*Inclosure 1.*)—*Proclamation of the President of the Argentine Republic of War with Paraguay.—Buenos Ayres, April 16, 1865.*

FELLOW-COUNTRYMEN !

(Translation.)

IN the midst of peace, and in violation of all law, the Government of Paraguay has commenced hostilities by treacherously seizing two Argentine war-steamers in our own territory, and firing on an unprotected town. We are forced into a war, without provoking it, and after doing our best by a neutral policy to avoid it : we must answer war by war, and with all the energy and power of the Argentine nation, whose honour and security have been so basely attacked.

Counting, as I do, on Argentine valour and determination, I have heretofore kept the country on a peace footing, knowing that when the hour of danger arrived all would flock around the national banner and do their duty.

That hour has come. In the name of your country and of the law, I summon you to your posts as citizen soldiers, whose banners are always wreathed with justice and victory.

Fellow-citizens ! I can confidently promise you the triumph,

because all Argentines count on it, and the elements at our disposal, with the aid of Providence, and your valorous patriotism, ensure success.

After this noble effort peace will be more solid, glorious, and fruitful; and you can then resume with double energy the task of progress in which you are interrupted by a barbarous and treacherous aggression.

I need not say that I will fulfil the duties imposed on me by the country and the Constitution, and confiding in the protection of Heaven for so just a cause, and in your generous patriotism, I will not rest until restoring you the peace so basely wrested from us, and vindicating the honour of the Argentine nation.

Your friend and countryman,

BARTOLOME MITRE.

(Inclosure 2.)—Decree of the President of the Argentine Republic declaring the Republic in a State of Siege.

(Translation.)

Buenos Ayres, April 16, 1865.

THE nation being at war, and in conformity with Article XXIII and paragraph 17 of Article LXXXVI of the Constitution, the President of the Republic decrees:—

ART. 1. The whole Republic is declared in a state of siege until the Assembly of the National Congress shall determine upon future mode of proceeding.

Let the National Congress be informed in due time; let it be communicated to whom it may concern, and let it be published and inserted in the National Register.

MITRE.

RUFINO DE ELIZALDE.

LUCAS GONZALES.

JUAN A. GELLY Y OBES.

Mr. Thornton to Earl Russell.—(Received June 4.)

MY LORD,

Buenos Ayres, April 24, 1865.

ON the 17th instant a Decree, of which I have the honour to inclose translation, was published in the newspapers of this city. It declares that all the ports on the coast of the Republic of Paraguay are blockaded, and it is signed by President Mitre and his Ministers.

Upon seeing it I called upon Señor Elizalde, and observed that this blockade could not be considered to exist until the ports were guarded by an effective force. His Excellency replied that it was merely a declaration of blockade by the Government, and would be further notified whenever sufficient force should be present to carry it out. Until then vessels might go to the ports in question,

and would incur no penalties until they had been actually notified by the blockading force itself.

The next day I received a note from Señor Elizalde, translation of which I have the honour to transmit herewith, inclosing copy of the above-mentioned Decree; a copy of my answer to this note is likewise inclosed.

On the 20th instant I received a letter, dated the 14th instant, from my Brazilian colleague, M. Leal, inclosing copy of one from Admiral Tamandaré, in which it is announced that the ports and coast of the Republic of Paraguay will be blockaded by the Brazilian naval force which is now on its way up the Paraná; and, further, that the ports in the Province of Matto Grosso, being occupied by the Paraguayans, are closed to all vessels. A translation of M. Leal's letter to me, together with my answer, I have herewith the honour to inclose.

The force mentioned in M. Leal's letter consists of 8 gun-boats, which passed Martin Garcia on the 12th instant, and should now, if they have met with no obstacle, be near Corrientes. They are good vessels, built for men-of-war, and well armed, and may therefore be considered nearly a match for the Paraguayan steamers, which are about 20, but all slightly built, as passenger steamers on the rivers, and not strongly armed. I imagine, however, that Admiral Tamandaré, who, I understand, will shortly proceed up the river, will take with him several more steamers.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(*Inclosure 1.*)—*Decree of the President of the Argentine Republic of the Blockade of the Ports of Paraguay.*

(Translation.)

Buenos Ayres, April 17, 1865.

THE nation being at war with the Government of Paraguay, the President of the Republic decrees—

ART. 1. From the date of publication of this Decree, all the ports on the littoral of the Republic of Paraguay, and which are occupied by its Government, are declared blockaded.

Let it be communicated to whom it may concern, and let it be published and inserted in the National Register.

MITRE.

RUFINO DE ELIZALDE.

LUCAS GONZALES.

J. ANDRES GELLY Y OBES.

(*Inclosure 2.*)—*Señor Elizalde to Mr. Thornton.*

(Translation.)

Buenos Ayres, April 18, 1865.

THE Undersigned, &c., has the honour to inclose to your Excellency translation of a Decree issued by the Government of the

Republic, in which is decreed the blockade of all the ports on the littoral of the Republic of Paraguay occupied by its Government; and it has been made effective.

The Undersigned, &c.

E. Thornton, Esq.

RUFINO DE ELIZALDE.

(*Inclosure 3.*)—*Mr. Thornton to Señor Elizalde.*

Buenos Ayres, April 19, 1865.

THE Undersigned, Her Britannic Majesty's Minister Plenipotentiary, has the honour to acknowledge the receipt of a note of yesterday's date from his Excellency Dr. Don Rufino de Elizalde, &c., inclosing copy of a Decree directing the blockade of the ports on the coast of the Republic of Paraguay, which it has been ordered to render effective. From the tenour of his Excellency's note the Undersigned infers that neutral vessels proceeding to those ports will incur no penalty until a sufficient force be present there to compel the observance of the blockade.

The Undersigned, &c.

Señor Elizalde.

EDWD. THORNTON.

(*Inclosure 4.*)—*Senhor Leal to Mr. Thornton.*

(Translation.)

Imperial Legation of Brazil,

M. LE MINISTRE,

Buenos Ayres, April 14, 1865.

I HAVE the honour to place in your Excellency's hands the inclosed note, copy of a despatch from Vice-Admiral Viscount de Tamandaré, in which he begs this Legation to inform your Excellency that, in consequence of orders received from the Government of His Majesty the Emperor my august Sovereign, the naval forces under his command are going to blockade the ports on the coast of Paraguay, and that this blockade will take effect from the day that it shall be established by the divisions of the Imperial squadron now on their way up the River Paraná.

The Vice-Admiral requests that I should further communicate to your Excellency that the Government of President Lopez having occupied the ports of Matto Grosso, the Imperial Government have determined to allow no national or foreign vessel to proceed to those ports until a new declaration.

Having carried out Viscount Tamandaré's request, it only remains for me to renew, &c.,

E. Thornton, Esq.

FELIPE JOSE PEREIRA LEAL.

(*Inclosure 5.*)—*Vice-Admiral de Tamandaré to Senhor Leal.*

(Translation.) *On board the Gun-boat Paranahyba, Monte Video,*

ILLUSTRIOUS SIR,

April 10, 1865.

I HAVE the honour to inform your Excellency that, in virtue of

orders received from the Imperial Government, the forces under my command are about to commence hostilities against Paraguay, in reply to the war which, in time of peace, that Republic has so shamefully declared against us.

In consequence, I am going to take active measures to blockade the ports and commence hostilities on the coast of the Paraguay, until, ceding under this pressure, complete satisfaction shall be given for all the insults and damages which have been caused to the Empire.

The blockade will take effect from the day on which it is established by the divisions under my command, which are at this moment proceeding up the River Paraná.

Foreign vessels loading in the ports of Paraguay will be allowed 20 days to clear out after the blockade is established.

The ports of the Province of Matto Grosso opened to commerce being now in possession of the enemy, the Imperial Government does not allow any vessels, of whatever nationality they may be, to proceed to these ports until a fresh declaration.

In making this communication to your Excellency, I have to request that you will be good enough to bring it to the notice of the Government to which your Excellency is accredited, as also to the Diplomatic Agents and foreign Consuls, in order that they may warn the merchants of their respective nations, so that they may avoid despatching vessels to Paraguay, thus saving themselves from the expense of the voyage which should be made to any of the blockaded places.

I take, &c.,

Senhor Leal.

VISCONDE TAMANDARÉ.

(Inclosure 6.)—*Mr. Thornton to Senhor Leal.*

SIR,

Buenos Ayres, April 21, 1865.

I HAVE the honour to acknowledge receipt yesterday of your Excellency's letter of the 14th instant, informing me that, in consequence of orders received from the Government of His Majesty the Emperor of Brazil, the ports and coast of the Republic of Paraguay will be blockaded by the Brazilian naval forces now on their way up the Paraná, and further, that the ports of Matto Grosso having been occupied by the Paraguayan Government, no national or foreign vessel will be allowed to proceed up the river to those ports.

I beg your Excellency to accept my thanks for communicating to me the intended measures of the Brazilian forces, which I have taken measures for making known to the masters of British merchant-vessels.

I have, &c.,

Senhor Leal.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received June 4.)

(Extract.)

Buenos Ayres, April 24, 1865.

CONSIDERING the war which is being carried on between Paraguay and Brazil, and that the waters and coasts of the River Paraná and Paraguay might be the scene of conflicts between the belligerents, I addressed a letter on the 12th instant to Admiral Elliot, copy of which I have the honour to inclose, suggesting to him the expediency of sending one of the vessels under his orders up the River Paraná for the protection of British interests ; and I at the same time proposed to send on board the vessel he might order on this service one of the members of this Legation, who might be useful by his knowledge of the language, and might keep me acquainted with the progress of the war.

Since I wrote, this step has become of more importance by the circumstance of the Argentine Republic having also become involved in war with Paraguay.

Admiral Elliot, to whom I am grateful for the earnest desire he always shows to co-operate with me most cordially for the good of Her Majesty's service, readily assented to my suggestion, as your Lordship will perceive by the inclosed letter from the Admiral, and Her Majesty's gun-boat *Doterel* started this morning for Corrientes, having at my request received on board Mr. Pakenham, First Secretary to this Legation.

I hope your Lordship will not disapprove of the decision I have taken with regard to Mr. Pakenham : it will give him an opportunity such as seldom occurs in getting an insight into the affairs of these countries, and of furnishing valuable information.

On mentioning a few days ago to Señor Elizalde that the *Doterel* was going up the Paraná, his Excellency asked me whether there was any intention of her being sent on to Assumption.

On my replying that this might depend upon what news Lieutenant Johnson might receive at Corrientes, his Excellency said that the blockading force at the mouth of the Paraguay would have a right to prevent men-of-war from going up that river.

I replied that it was a right which, strictly speaking, a blockading force possessed, though it was one which had not of late been enforced, but that it might be a matter of humanity that an English man-of-war should go to Assumption for the purpose of offering protection to British subjects, and a means of escape from that town should they desire it.

It seemed to me that no objection ought to be made to an occasional visit to Assumption by one of Her Majesty's ships, so as to give an opportunity of escape to British residents there should they wish to avail themselves of it, especially when the blockading

force was so distant from the port blockaded that there might be no other means of escape.

To these observations his Excellency replied that his Government would have no objection to neutral men-of-war visiting Assumption for a few days, provided they did not remain there permanently.

I therefore told Lieutenant Johnson that if he should hear any news at Corrientes which would make him think it expedient to proceed to Assumption for the protection of British interests, he would do well to inform the commander of the blockading squadron or Admiral Tamandaré himself, if he should be there, of his intention to do so, and of the object of his visit; but I recommended him not to remain there more than sufficient time to give full power to the few British subjects resident there to leave Assumption if they should wish to do so.

Earl Russell.

EDWD. THORNTON.

Mr. Thornton to Earl Russell.—(Received June 4.)

MY LORD,

Buenos Ayres, April 24, 1865.

WITH reference to your Lordship's despatch of the 8th ultimo, inclosing copy of a letter addressed by your direction to the Admiralty with respect to the free navigation of the Rivers Paraná and Uruguay, I have the honour to inform your Lordship of my conviction that none of the belligerents have any intention of interfering with the free navigation of these rivers. On the contrary, as the principal operations of the war will be probably carried on in the upper parts of the Paraná and Uruguay, it will be to their interest to encourage neutral vessels to bring up all sorts of supplies.

An exception will of course be made with regard to munitions of war; and Mr. Parish has, at my request, inserted a notice in the English newspaper published here, and posted it at the Consulate, warning British shipmasters not to carry munitions of war for any of the belligerents. But as the enemies of Paraguay in this war will probably command the Rivers Paraná and Uruguay, and will blockade the Paraguayan ports, little would be gained by searching vessels in the Paraná and Uruguay for contraband.

A few days ago some rifles and other articles, said to belong to the Paraguayan Government, were seized by the Argentine authorities on board an English steamer at a little port in this province called the "Tigre," about 18 miles from Buenos Ayres. It is rumoured that an Englishman is about to claim them as his, but no representation has as yet been made to me on the subject, and I have reason

to believe that they really belonged to the Paraguayan Government.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

Mr. Lettsom to Earl Russell.—(Received June 4.)

MY LORD,

Monte Video, April 18, 1865.

I HAVE the honour to forward to your Lordship herewith translation of a letter addressed to me by Senhor de Albuquerque, Chargé d'Affaires of the permanent Legation of Brazil, and likewise translation of the inclosure therein contained, notifying to me the blockade by Brazil of the ports and shores of Paraguay.

I have further the honour to place in your Lordship's hands a copy of my reply to the communication of Senhor Albuquerque.

I have, &c.,

Earl Russell.

W. G. LETTSOM.

(Inclosure.)—Senhor Albuquerque to Mr. Lettsom.

(Translation.)

Imperial Legation of Brazil,

ILLUSTRIOUS SIR,

Monte Video, April 15, 1865.

THE Commander-in-chief of the naval forces of Brazil in the River Plate has acquainted me that, in virtue of the orders of the Government of His Majesty the Emperor, he was about to proceed to operate against the Republic of Paraguay in consequence of the war declared and carried on against us by that Power.

Annexed, I have the honour to place in your hands a copy of the notification of the blockade to which the ports and shores of the Republic are about to be subjected by Admiral Viscount de Tamandaré.

Requesting that you will be pleased to cause this notification to be made known to such of your fellow-countrymen as it may concern, I avail, &c.,

HENRIQUE CAVALCANTI D'ALBUQUERQUE.

W. G. Lettsom, Esq.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. June 6.)

SIR,

Admiralty, June 5, 1865.

I AM commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 27th of April, from Rear-Admiral Elliot, relating to the blockade of the Paraguayan ports.

I am, &c.,

E. Hammond, Esq.

C. H. PENNELL, *pro Sec.*

(Inclosure 1.)—*Rear-Admiral Elliot to the Secretary to the Admiralty.*

SIR, Triton, *Monte Video*, April 27, 1865.

I HAVE the honour to acquaint you that, on the 20th instant, I sent Her Majesty's gun-boat *Doterel* up the Paraná, towards Corrientes and the River Paraguay, for the purpose of protecting British interests. As it was the intention of the Brazilian Admiral to blockade the ports of the River Paraguay, I instructed Lieutenant Johnson that it would be his duty to respect any blockade of such ports if effectually established and maintained.

The inclosed declaration of blockade of Paraguayan ports, dated 17th instant, has been published by the Argentine Government, but it is evidently invalid, no blockade having, in fact, been established, and the Paraguayans having, at that time, a numerous and unopposed squadron of steamers to protect their ports.

The Argentine Minister for Foreign Affairs has since declared that the Decree of the Government would not prevent neutral vessels from going to Paraguayan ports, as long as there is no effective force to blockade them; and that those vessels would not incur any penalty until they should attempt to enter, after having been notified by the blockading force on the spot.

At the desire of Mr. Thornton, the Honourable F. J. Pakenham, Secretary of Legation, went in the *Doterel*.

I have, &c.,

W. G. Romaine, Esq.

CHAS. B. ELLIOT.

(Inclosure 2.)—*Decree, dated April 17, 1865.*

[See Page 1263.]

Señor Bareiro to Earl Russell.—(Received June 14.)

(Translation.)

MY LORD, Legation of Paraguay, Paris, June 10, 1865.

THE imputations made by the Argentine Government against the Government of Paraguay, to the effect that it has not acted in accordance with usage and with Treaties in commencing war without previous declaration, and the circumstance that I have myself not received my official communications from Asuncion, compel me to assume that your Excellency's Government is in a similar persuasion; and this determines me to address your Excellency, as I have now the honour to do, requesting you to be pleased to suspend all judgment in this respect, from these natural considerations.

Paraguay, which has always taken care to keep the neutral Powers informed of such of its determinations as may affect their interests, could not fail to fulfil this duty in the most important of its questions. I ask your Excellency to be pleased to observe that

the disadvantage of its geographical position makes its present enemies, situated on the harbours of the Plata, the masters of its communications with Europe and the world, and authorizes a natural apprehension that some hostile and intended interception may have taken place. What corroborates this apprehension is the want of respect for the real truth (*"exactitud de los hechos"*) which is shown by the assertion that Paraguay has violated Article III of its Treaty of 1856 with the Argentine Republic, which stipulates that if war should take place between the two countries, hostilities should not begin without a previous notification made 6 months before. That was in fact stipulated, M. le Ministre; but the stipulation ceased to exist 3 years ago.

The Treaty signed on the 29th July, 1856,* for the term of 6 years, not to be prolonged, reckoning from the exchange of ratifications (Article XXXII), expired on the 6th November, 1862, the 6th anniversary of the 6th November, 1856, when the said exchange took place. It contains no clause which would authorize the presumption of a tacit prolongation, as is usually stipulated in Treaties, for a fixed term.

In regard to the causes of the war with the Argentine Republic, awaiting the satisfactory exposition thereof which my Government will be able to give to that of your Excellency, I take the liberty, my Lord, authorized by the circumstances, to point out to your Excellency, as the chief and most obvious of those causes, the alliance and co-operation, at first tacit and latent, but now ostensibly given by the Argentine Government to that of Brazil, in the menacing war which the latter is carrying on against the independence of the Oriental State of Uruguay, and the essential guarantee of its own.

The best proof that the views of Brazil, in her war with the Banda Oriental, have outlived that same war, is the war now going on against Paraguay with no other reason than because it continues to resist that act which is the best confirmation of the existence of those ambitious views; that is to say, the presence of the armies of Brazil in the Oriental territory and in the countries of La Plata.

All its tranquillity would be re-established by a simple act on the part of Brazil, which would amount to no more than respect for Treaties; not a mere promise to withdraw her armies, which she already made without result by the Convention of the 20th of February,† but the fact of a real withdrawal within her own borders. Buenos Ayres and Monte Video, which are now only the tools of Brazil in a question which does not belong to them, and the object of which is as hostile to Paraguay as to the commercial nations of

* Vol. XLVI. Page 1305.

† Page 1249.

Europe interested in a free and direct intercourse with the interior of America,—Buenos Ayres and Monte Video would remain at peace by the simple retirement of the Power which retains them in its service at war in a country which, far from offending them and rivalling their advantages, pacified one of them as mediator in 1859, and protected the independence of the other at the cost of its own tranquillity.

Trusting always, in the name of my country's gratitude, in the favour of the intelligent sympathies of your Excellency's Government, and in the support of its good and sound advice, I take, &c.,
Earl Russell. CANDIDO BAREIRO.

Mr. Thornton to Earl Russell.—(Received June 17.)

MY LORD,

Buenos Ayres, May 6, 1865.

I HAVE the honour to transmit herewith to your Lordship translation of a note dated the 29th March last, addressed by Señor Berges, Paraguayan Minister for Foreign Affairs, to Señor Elizalde, in answer to the latter's note of the 9th of February last, copy of which was inclosed in my despatch of the 25th March.

This note only came to the knowledge of the Argentine Government on the 1st instant through the medium of the Paraguayan newspaper "Semanario," in which it had been published. The original at length reached their hands on the 3rd instant, 19 days after the town of Corrientes had been occupied by the Paraguayan forces.

Señor Berges transmitted in the above-mentioned note a copy of the declaration of war sanctioned by the Paraguayan Congress on the 18th of March, translation of which I have the honour to inclose.

The reasons put forward in this document for the extreme measure of war are—

1. The refusal by the Argentine Government to the Paraguayan forces of a passage through the Province of Corrientes.
2. The refusal to recognize the right of Paraguay to the territory of Misiones between the Paraná and Uruguay.
3. Because the Argentine Government allow the enlistment of men at Buenos Ayres to be employed against Paraguay; and
4. The support given by the official press of Buenos Ayres to the cause of Brazil against Paraguay.

With regard to the first argument, I believe few will deny that this Republic had a full right to refuse a passage across her territory both to the Brazilians and Paraguayans.

The Argentine Government have always declined to acknowledge the right of Paraguay to the territory of Misiones; but notwithstanding this, they have taken no active measures to prevent the constant occupation of that territory by the Paraguayans.

As for the enlistment of men at Buenos Ayres for the Brazilian service against Paraguay, I can only say that I have never been able to discover that anything of the sort has been going on.

No really official press exists in this country. The Government has so little control over it that its liberty often borders upon licence. There may be a particular paper the editor of which may be on friendly terms with the members of the Government, and may write in accordance with their views; but it is certain that they can never be confident that the same paper may not criticize their measures with the greatest severity.

It begins, however, to be daily more evident that President Lopez counted upon disaffection in the Argentine Republic, and there is little doubt that before Monte Video surrendered to the united forces of General Flores and of the Emperor of Brazil, he had good reason for cherishing such a hope. Now, however, those who were then disaffected appear willing to allow themselves to be led in the direction pointed out by their own interests, and I believe that General Mitre may count upon their co-operation.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(Inclosure.)—*Declaration of War by the Paraguayan Congress against the Argentine Republic.—Asuncion, March 18, 1865.*

(Translation.)

IN view of the decision of the Special Committee named by the Sovereign Congress to report on the present critical condition of the Republic in the war with Brazil, and on the insolent and hostile attitude of the Argentine Cabinet towards Paraguay and its Government, as shown—

1st. By the two notes of February 9th, which favour Brazil under the pretence of neutrality by refusing the permission we solicited to march our forces across the frontiers of Corrientes, although the Brazilian fleet had previously used the city and province of Corrientes as a depôt for coal, provisions, &c., in open violation of the pretended neutrality;

2ndly. By the denial of our right to the territory of Misiones between the Rivers Paraná and Uruguay;

3rdly. By the protection now extended a second time by that Government to a revolutionary committee of traitors in the pay of the Brazilian Empire, who enlist foreign mercenaries in the very capital of the Argentine Republic, disgracing the flag of that country and making it subservient to Brazil in the war against Paraguay;

4thly. By the open sympathy of the official Argentine press in favour of Brazil against Paraguay, and the disgraceful and incendiary publications intended to foment rebellion in this country.

And as the exercise of our right in the territory of Misiones will afford the Argentine Government the desired pretext of *casus belli* (which is at present wanting) to make an open alliance with Brazil, while we have abundant proof of the solidarity of the Argentine Cabinet with that Empire to destroy the balance of power in La Plata; and it being incompatible with the security of the Republic and the dignity of our Government to tolerate any longer this immoral and offensive proceeding against Paraguay, in accordance with the decision of the Special Committee—

The Congress hereby declares :—

1. That it approves the conduct of the National Executive respecting Brazil, in the emergency caused by the Imperial encroachments in the River Plate and the injury inflicted by Brazil on our national honour, and in accordance with the Law of March 1844 the Government is hereby authorized to continue the war.

2. That it declares war to the actual Government of the Argentine Republic, until we receive the proper security and satisfaction for the rights, honour, and dignity of the Paraguayan nation and Government.

3. His Excellency the President of the Republic will make peace with one or other of the belligerents whenever he thinks fit, advising the National Congress as ordained by law.

4. Let this be communicated to the Executive.

Congress Hall, Asuncion, March 18, 1865.

JOSÉ FALCON, *Vice-President*.

Let this be published.

LOPEZ.

March 19, 1865.

Mr. Thornton to Earl Russell.—(Received June 17, 1865.)

(Extract.)

Buenos Ayres, May 6, 1865.

THE session of the Legislative Chambers of the Argentine Republic was opened by the President on the 1st instant. I have the honour to inclose translation of his Excellency's Speech on the occasion. The only topic with which it is occupied is the war with Paraguay.

A translation of the President's Message to the Chambers is also inclosed.

Earl Russell.

EDWD. THORNTON.

(Inclosure 1.)—*Speech of the President of the Argentine Republic on the Opening of the National Congress.*—*Buenos Ayres, May 1, 1865.*

(Inclosure 2.)—*Message of the President of the Argentine Republic to Congress.*—*Buenos Ayres, May 1, 1865.*

[See Vol. LVI. Page 1170.]

Mr. Thornton to Earl Russell.—(Received June 17.)

MY LORD,

Buenos Ayres, May 10, 1865.

I HAVE the honour to transmit herewith a translation of a Special Message which was sent by the Executive Power on the 5th instant to the Legislative Chambers, detailing the hostile acts committed by the orders of the Paraguayan Government, and soliciting their sanction to a declaration of war. The proposal thus submitted to Congress was immediately and unanimously passed by that body.

On the 9th instant a Declaration, a translation of which is also inclosed, was issued by the Government, to the effect that in consequence of the hostile acts of the Paraguayan Government, the Argentine Republic is at war with that Government, and will not lay down its arms until it shall have overthrown it, and obtained due reparation and the necessary guarantees for ensuring peace. The Declaration adds that the independence and sovereignty of the Republic of Paraguay will be respected.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(Inclosure 1.)—*Special Message to the Legislative Chambers of the Argentine Republic.*

(Translation.)

Buenos Ayres, May 4, 1865.

TO THE HONOURABLE THE CONGRESS OF THE NATION :

THE Republic was in profound peace with the Paraguayan Government when our war-steamers *25 de Mayo* and *Guaqueguay* were treacherously assailed in the port of Corrientes without any previous intimation, the enemy firing on them, killing a considerable number of the crews, and carrying off the rest (with the vessels) as prisoners, after also firing some cannon-shots at the defenceless city of Corrientes.

Subsequently that Province was invaded by Paraguayan troops, its capital and other parts of the territory occupied, causing great damage, and a new Government set up in subversion of national authority, inciting the inhabitants to rebellion and civil war.

The National Government, on being officially informed of the Paraguayan outrage, which was in direct violation of Treaties and of the principles of international law on which we relied, took the necessary steps to repel war by war, to defend its territory, and avenge the foul injury inflicted on our national honour.

After so much perfidy on the part of Paraguay, the Government

received on the 3rd instant a note, dated March 29th, annexed as No. 1, advising it of the declaration of war, for the absurd reasons therein alleged.

The Paraguayan Government was entirely at peace with the Republic, and solicited permission to cross the territory of Corrientes in its campaign of operations against the Brazilian Government, as appears from Annex No. 2.

So extraordinary and unjustifiable a request was refused by the National Government on the plea of neutrality, and for the sake of the primary interests of the Republic, as you will find in Annex No. 2.

As the Paraguayans at the time of soliciting permission to use the Argentine territory in its operations against Brazil were gathering large forces on our frontier, we demanded such explanations as duty and right dictated, which are expressed in Annex No. 4.

The Government waited a reply, and confiding in the faith of Treaties which stipulated that, if unfortunately war should break out between the Argentine Republic and Paraguay, hostilities should not commence on either side until the expiration of 6 months' notice mutually exchanged, according to the practice of civilized nations; confiding also in its solemn engagements of neutrality in the war between Paraguay and Brazil, as expressly stated to the Brazilian Envoy in answer to his notification of the war with Paraguay (as contained in Annexes Nos. 5 and 6), it abstained from making any defensive preparations.

The reply was a treacherous attack on our steamers, capturing them, killing a part of the crew, taking the rest prisoners, firing on Corrientes, occupying that city, inciting the people to rebellion and civil war, and committing unjustifiable outrages on the honour and dignity of the nation.

In consequence, the Government in obedience to the Constitution and for the protection of our territory, issued the Proclamation (Annex No. 7), to meet the war so provoked, pending the timely resolution of Congress.

The Government trusts that Congress will, on its part, take action on the outrages and dangers to the nation, and therefore solicits of you the necessary authorization to declare war against Paraguay.

BARTOLOME MITRE.

RUFINO DE ELIZALDE.

GUILLERMO RAUSON.

LUCAS GONZALEZ.

EDUARDO COSTA.

JUAN A. GELLY Y OBES.

Project of Law.

ART. 1. The National Executive is authorized to declare war against the Government of Paraguay.

2. Let it be communicated to the Executive.

(Inclosure 2.)—Declaration of War by the Argentine Republic against Paraguay.

(Translation.)

Buenos Ayres, May 9, 1865.

CONSIDERING—

That the Government of Paraguay, in a state of perfect peace with the Republic, has treacherously attacked it;

That it has taken in the port of Corrientes two national steamers of war without previously notifying them, killing a considerable part of their crews, and carrying away the remainder prisoners;

That it has fired cannon-shot upon the defenceless city of Corrientes;

That it has invaded with an army the Province of Corrientes, occupying its capital and a part of its territory;

That it has incited rebellion against the constituted authorities and the inhabitants of the Republic to civil war;

That it is committing the most unjustifiable acts against the persons and property existing on the territory which it is occupying;

That all this has been done in violation of public faith, the Treaties which stipulate that in case of war between the Argentine Republic and the Republic of Paraguay, hostilities could not be commenced until the expiration of 6 months from the notification of declaration of war, and contrary to the practice of civilized nations;

That later, and when these aggressive acts had already been committed, the declaration of war made by that of Paraguay against the nation came to the knowledge of the Government;

That for such weighty reasons the National Congress has authorized the Executive Power to declare war against the Government of Paraguay;

The President of the Republic declares—

1. That in view of the treacherous acts, called and proven as criminal and hostile, the Argentine Republic is at war with the Government of Paraguay.

2. That the Argentine Republic will not lay down its arms until it has overthrown the Government of Paraguay, and obtains due reparation and indemnity, and the necessary guarantee for the insurance of peace.

3. That the Argentine Republic, in the war to which it has been provoked, will respect the independence and sovereignty of the Republic of Paraguay.

4. Let it be communicated to whom it may concern, published, and inserted in the National Register.

MITRE.

RUFINO DE ELIZALDE.

GUILLERMO RAUSON.

LUCAS GONZALEZ.

EDUARDO COSTA.

JUAN ANDRES GELLY Y OBES.

*Earl Russell to Mr. Lettsom.**

SIR, *Foreign Office, June 23, 1865.*

WITH reference to your despatch of the 18th of April last, I transmit herewith, for your information, copies of a notification of intended blockade of the ports and coast of Paraguay which has been inserted in the "London Gazette" of the 9th instant.

I am, &c.,

W. G. Lettsom, Esq.

RUSSELL.

(Inclosure.)—Extract from the "London Gazette," of June 9, 1865.

RIVER PLATE.

Notification of intended Blockade of the Ports and Coast of Paraguay.—Foreign Office, June 7, 1865.

[See Vol. LV. Page 296.]

Mr. Thornton to Earl Russell.—(Received August 3.)

MY LORD, *Buenos Ayres, June 24, 1865.*

LIEUTENANT JOHNSON, commanding Her Majesty's gun-boat *Doterel*, returned to this port on the 22nd instant, from his expedition up the Paraná and Paraguay. I have the honour to inclose some interesting letters addressed to me by Mr. Pakenham. From these your Lordship will see of how much service the *Doterel* has been in assisting British subjects, and in releasing some whose detention in Paraguay amounted also to an imprisonment.

With reference to the 15 Paraguayans whom Lieutenant Johnson saved from the wreck of the Paraguayan steamer of war *Marques de Olinda*, and some of whom were very dangerously wounded, on hearing that they were on board the *Doterel*, I applied to the Argentine Government that they might be landed here and taken care of, adding that, of course, they could not be considered as prisoners, having been saved by the *Doterel*. The Vice-President, to whom I spoke on the subject, gave me his word that these Paraguayans should enjoy their full liberty. Ten of them who

* A similar despatch was addressed to Mr. Thornton.

were wounded are in the native hospital, where they are well attended to, and the other 5 are at liberty, provided with a certificate to that effect signed by myself.

I cannot refrain from expressing to your Lordship my high opinion of the tact, discretion, and good sense shown by Lieutenant Johnson and Mr. Pakenham during their late expedition in carrying out the suggestions that I have made to them for their guidance, and my regret that the former is about to leave this station at a time when an officer of so much prudence and judgment is peculiarly useful.

I have, &c.,

Earl Russell.

EDWD. THORNTON.

(Inclosure.)—*Mr. Pakenham to Mr. Thornton.*

(Extract.)

Corrientes, June 13, 1865.

THE *Doterel* anchored at Humaitá on her downward course on the 12th instant, at about 11 A.M., and Lieutenant Johnson lost no time in inquiring when he could be allowed to pay his respects to his Excellency President Lopez. He was shortly informed that the President would receive both him and me at once, and we accordingly proceeded to obey his Excellency's summons.

Before going any further, I may say that the 4 crippled survivors of the flotilla which, 8 in number, his Excellency had sent down the river to attack the Brazilian squadron, were just arriving at Humaitá and discharging their cargoes of wounded, &c.; but Lieutenant Johnson and I had no choice but to obey the summons conveyed to us by one of his Excellency's aides-de-camp, more especially as we had on board private letters and parcels for his Excellency from Asuncion.

The President said that the 13 British subjects detained at Humaitá should be at once placed on board the *Doterel*, but he declined to allow the Italian vessel, on board of which they were, to quit the port.

We then acquainted his Excellency with the fact of our visit at Villafranca on the previous day, informing him that our only object was to be permitted to have an interview with our unfortunate countrymen, and expressing regret that the orders of the commandant of that place did not allow him to grant us such a favour or permit us to make a request by telegraph to his Excellency to that effect.

His Excellency, I regret to say, appeared to take the fact of our visit to Villafranca with a very bad grace, and made various observations to the effect that the Commandant of Villafranca had orders to refuse access to all his prisoners, and that he was strictly in execution of his duty in denying us admittance. This we never

disputed, and we said that the commandant had fully and faithfully acted up to his instructions. His Excellency, however, kept constantly referring to this, as though inclined to take offence, whether with or without just cause.

We accordingly changed the subject of conversation; but I grieve to say that the new topic proved still more unpalatable to his Excellency than the former.

It was to the following effect:—

Information having reached Lieutenant Johnson from several quarters that a British subject, Hugh Bain, was chief engineer on board the *25 de Mayo* at the time of her seizure by the Paraguayans at Corrientes, and that as rather sinister rumours were current as to what had become of him, we requested, with all respect, that his Excellency would kindly give us such intelligence as to his fate as lay in his power for the information of the British Admiral, and for the comfort of his widow should it be true, as alleged, that he had come to an untimely end at the hands of his captors.

His Excellency, at the termination of the statement of the case, said he felt extremely hurt that such foul suspicions could possibly be entertained as to the ill-treatment of prisoners or any one else by the Paraguayan forces, and, summoning an aide-de-camp, at once dispatched him to learn what had become of the missing man.

He then proceeded to address to us some observations; but, the detained British subjects not being yet on board Her Britannic Majesty's gun-boat, we thought it best to make no reply to his Excellency's remarks, and a profound silence, which lasted some minutes, ensued.

After one or two commonplace observations on his Excellency's part, he proceeded to inform us that his fleet had had an encounter with the Brazilian squadron just below Corrientes, and that only one-half of his vessels had returned, and those in a comparatively disabled state. This was no news to us, who had already inspected the ships by means of telescopes, and had also had to pass close alongside of all of them to reach the landing-place; but we confined ourselves to expressions of regret for what appeared to have occurred, and to hope that no great loss of life had taken place.

His Excellency seemed to be by no means despondent as to the loss of one-half of his fleet, rather expressing surprise that any of them were able to return. The aide-de-camp sent to inquire as to the fate of Mr. Hugh Bain now returned, with the report to the effect that Mr. Bain died at Tres Bocas.

As to the mode of his death, or the ceremonies accompanying his interment, we did not think it expedient to enter upon them at that moment, and we accordingly took leave of his Excellency, who shortly afterwards sent on board the *Doterel* the British subjects

forming part of the crew of the *Ranger*. There were persons of other nationalities also of the crew of the *Ranger*, but we were not informed of this in time to make any application in their favour to his Excellency the President, and they consequently remain at Humaitá.

E. Thornton, Esq.

F. J. PAKENHAM.

Mr. Lettsom to Earl Russell.—(Received August 3.)

(Extract.)

Monte Video, June 27, 1865.

I HAVE the honour to transmit to your Lordship a translation of the Treaty of Alliance against Paraguay, signed at Buenos Ayres on 1st May, by the Plenipotentiaries of the Oriental Republic of Uruguay, of His Majesty the Emperor of Brazil, and of the Argentine Republic.

I have further the honour to place in your Lordship's hands a translation of 4 Additional Articles contained in a Protocol signed at Buenos Ayres on the same date as the Treaty itself.

Earl Russell.

W. G. LETTSOM.

(*Inclosure.*)—*Treaty of Alliance against Paraguay, signed May 1, 1865, by the Plenipotentiaries of Uruguay, of Brazil, and of the Argentine Republic.*

[See Vol. LV. Page 83.]

Mr. Pakenham to Earl Russell.—(Received January 1, 1866.)

(Extract.)

Buenos Ayres, November 25, 1865.

I HAVE the honour to forward herewith translation of a note addressed by Señor Berges, Minister for Foreign Affairs of the Republic of Paraguay, to the Representatives of foreign Powers.

Earl Russell.

F. J. PAKENHAM.

(*Inclosure.*)—*Señor Berges to Mr. Thornton.*

M. LE MINISTRE, (Translation.) *Asuncion, October 4, 1865.*

I HAVE the honour of addressing your Excellency to inform you of the sentiments of consideration with which the Government of this Republic views foreign subjects, and especially those of Her Britannic Majesty, who, occupying themselves solely in their affairs and private interests, maintain themselves neutral in the war which the Republic at this moment is sustaining against the triple alliance of an Empire and two neighbouring Republics.

In such a colossal struggle as the present, in which operations are taking place to the north, east, and south of the Republic, extending over extensive territories, and war being a conglomeration

of evils, often unavoidable, my Government is not blind to the fact that citizens or foreign subjects residing at those points occupied by Paraguayan forces are not free from the possibility of being injured in their properties, however well the Paraguayan troops may be disciplined.

But if in the prosecution of the war any subject or subjects of Her Britannic Majesty are injured, the Paraguayan Government, faithful to the principles which it has adopted in this just war, will be the first to deplore such acts, and will be disposed to listen to and indemnify them at the conclusion of the war for the injuries which they may have received on the part of the national forces, they being sufficiently proved and authenticated.

It is not the desire of the National Government that honest, pacific, and laborious foreigners, who take neither a direct nor an indirect part in the war, should suffer with impunity the consequences of it. Paraguay does not make the war, neither does she wish that the weight of her arms should fall otherwise than upon her real enemies.

It gives me pleasure, therefore, Sir, to have the opportunity of assuring your Excellency, in the name of this Government, that the pacific subjects of Her Britannic Majesty will always find the most decided protection from the Paraguayan authorities, and the most ample guarantee for their persons and properties, for these are the express orders they have received in this respect.

In offering these guarantees to friendly foreigners, the National Government feels that it has fulfilled a duty, and does not pretend to claim favours as a recompense. But even so, it cannot but hope that the sentiments of justice and equity which animate the Government of Her Britannic Majesty, and the friendly relations which happily exist between the two countries, will influence it to exercise its authority to cause its subjects to observe the strictest neutrality in the present struggle, making known at the same time the inconvenience attending the enlistment of its citizens in the ranks of the enemy to bring desolation and war to this country.

I will not conclude, Sir, without bringing to your Excellency's notice the deplorable effects which the unqualifiable blockade declared by the Argentine Government, and carried into effect by the Brazilian squadron, has done and is doing—a blockade contrary to the spirit of express Treaties for the navigation of these rivers, and in open contradiction to the conduct which this Government has adopted in the present war with respect to the free navigation of the rivers, and of neutral commerce.

By the Treaty of the 10th of July, 1853,* the navigation of the

* Vol. XLII. Page 3.

Rivers Paraná and Uruguay is declared free, in case of war breaking out between the States, Republics, or Provinces of the River Plate, for the mercantile flag of all nations, without making any exception to this principle but that appertaining to articles called contraband of war.

The Paraguayan Government, although having had no part in the said Treaty, desirous of protecting innocent commerce, has allowed those vessels which before and after the Decree of the 16th of April,* establishing the blockade, began to load in the port of Asuncion, free passage. But the allied squadron, far from allowing them to freely continue their voyage, took possession of these vessels, obliging them to serve as transports of war against their country, whilst they caused the vessels despatched by the Custom-houses of Buenos Ayres and Monte Video, bound for Paraguay and Corrientes, to return—vessels which, for want of wind, were unable to reach their destination.

These are authentic facts, Sir, and such as cannot escape your Excellency's observation.

On the other hand, Sir, my Government is not surprised that the venal press of Buenos Ayres continues with redoubled vigour its schemes of discrediting the Government and people of this Republic before the eyes of the world, imputing to the Paraguayan forces in operations imaginary acts of assassination, violence, robberies, pillages, and arson. The disloyalty of our enemies will not fail to use the most ruinous means with the object of making us appear as savages, who recognize no laws, and who are unable to bridle their ferocious instincts.

I am, notwithstanding, persuaded, Sir, that, far from giving importance to the calumnious publications of that immoral press, your Excellency, with the spirit of impartiality which characterizes you, will keep yourself at that distance to be enabled to judge of the facts with a knowledge of the cause. I avail, &c.,

E. Thornton, Esq.

JOSÉ BERGES.

The Earl of Clarendon to Mr. Ford.

SIR,

Foreign Office, January 6, 1866.

I HAVE received Mr. Pakenham's despatch of the 25th of November, inclosing copy of a note addressed by the Paraguayan Minister for Foreign Affairs to the Representatives of Foreign Powers, expressing the good feeling and intentions of his Government towards foreigners residing in Paraguay who maintained themselves neutral in the war at present carried on by that country.

I have to instruct you, if you should hereafter have occasion to

ask for indemnities on account of losses inflicted on British subjects, to appeal to the assurances contained in this note.

I am, &c.,

F. C. Ford, Esq.

CLARENDON.

Mr. Lettsom to the Earl of Clarendon.—(Received April 4.)

(Extract.)

Monte Video, February 10, 1866.

A FEW days ago Señor Vigil, the Chargé d'Affaires of Peru, who is also accredited to the Court of Brazil, told me that he has received from his Government authority to tender his good offices to bring about a settlement of the differences existing between Paraguay and Brazil and its Argentine and Uruguayan allies.

The Earl of Clarendon.

W. G. LETTSOM.

Mr. Ford to Lord Stanley.—(Received September 19.)

MY LORD,

Buenos Ayres, August 12, 1866.

A DIPLOMATIC complication has arisen here in consequence of the refusal on the part of the Argentine Government to permit Mr. Washburn, the Minister of the United States of North America accredited to the Republic of Paraguay, to proceed to his post at Asuncion.

Mr. Washburn left Buenos Ayres on his way to Paraguay in the month of February last, and has been detained at Corrientes ever since, President Mitre having denied him the facilities he required in order to continue his journey. Under these circumstances Mr. Washburn has now returned to Buenos Ayres, having received despatches from Washington, in which the conduct of the Argentine Government is characterized as being not only discourteous, but illegal; and the American Admiral on this station has received instructions to place a gun-boat at Mr. Washburn's disposal, and to provide him with a sufficient convoy to insure his passage up the River Paraguay.

Such is the present state of the case; but I am led to understand that the decided attitude assumed by the American Government in the matter will effectually prevent any further impediments being placed on their Representative's movements, and that he will be permitted to pass the Brazilian squadron at present blockading the entrance of the River Paraguay.

I have, &c.,

Lord Stanley.

FRANCIS CLARE FORD.

Mr. Lettsom to Lord Stanley.—(Received October 1.)

(Extract.)

Monte Video, August 27, 1866.

THE Government of this Republic have recently committed an

act, arising out of the war against Paraguay, to qualify which, as it seems to me, the ordinary language made use in official correspondence does not provide terms of equal severity.

I proceed to furnish your Lordship with the details of the occurrence to which I allude.

Some 10 days or so since, it was reported to me that the Delegate Provisional Governor contemplated despatching to the army from here, as a further contingent, a number of Paraguayan prisoners to be incorporated in the Oriental force under the orders of Brigadier-General Flores.

These Paraguayan prisoners would thus be called upon to fight against their own countrymen, the Paraguayans.

The fate to which these poor men would be exposed is not a matter of doubt.

Either they would be liable to be shot down by their own countrymen, who reject with the utmost tenacity the liberty graciously tendered to them by Brazil and its allies, or, if taken prisoners, they would be exposed to the fate that awaits in warfare those who are seized with arms in their hands fighting against their country.

I lost no time in speaking on the matter to the French Chargé d'Affaires, M. Maillefer, in the presence of our Portuguese colleague, when they both agreed that in case the report I spoke of should prove well-founded, it would be proper to address a communication to the Government upon the matter.

To ascertain how the affair really stood, and with the wish, but scarcely with a hope, of inducing the Delegate Provisional Governor to abandon the atrocious idea, if indeed entertained, I called on the Minister for Foreign Affairs and told him what I had heard, and I added that I trusted that he, as a person whom I respect, would not give his consent to the adoption of such a measure.

Señor Flangini replied that up to that time a decision of the Cabinet had not been definitively come to, but that his influence with his colleagues was but moderate.

In justice to Señor Flangini I should say that, from his manner, I think he was thoroughly ashamed of the contemplated act.

In continuation, I observed to him that I could not admit the influence of a Minister for Foreign Affairs to be inconsiderable, and that he could fairly urge his colleagues to weigh well what would be the opinion formed of the Government of the Republic by all foreign Governments maintaining relations with this country, should the measure I spoke of be carried into effect.

Señor Flangini thanked me for the terms in which I had spoken of himself personally, and repeated that he was without influence in the Cabinet.

A few days afterwards numerous Paraguayan prisoners, who, as if in mockery, had been incorporated in the "Battalion of Liberty," were sent from this place up the river to join the Oriental army and to fight against their countrymen.

M. Maillefer on this becoming known to him told Señor Flangini what is the opinion which he had formed of this act of the Government.

Señor Flangini did not deny that the measure had been adopted, but attempted to explain away the crime by saying that those Paraguayans had offered to join the Oriental army as volunteers.

Lord Stanley.

W. G. LETTSOM.

Lord Stanley to Mr. Lettsom.

(Extract.)

Foreign Office, October 8, 1866.

I HAVE had under my consideration your despatch of the 27th August, commenting on the conduct of the Oriental Government, who, as you were informed, were about to embody in the ranks of their own army a number of Paraguayans prisoners, with the view of employing them against the Paraguayan forces.

I have to observe to you that, as this is a subject in which Her Majesty's Government have no direct interest, they do not feel justified in expressing any opinion thereupon to the Government of the Oriental Republic.

W. G. Lettsom, Esq.

STANLEY.

Mr. Lettsom to Lord Stanley.—(Received November 4.)

(Extract.)

Monte Video, September 29, 1866.

THE French gun-boat *La Décidée* left this a short time since to proceed to Asuncion, having on board M. de Beaumont, Secretary of the French Legation at Buenos Ayres.

The Viscount Tamandaré refused, however, to let *La Décidée* proceed up the river, and she is on her way back to Buenos Ayres.

About 3 weeks ago I made here the acquaintance of Mr. Washburn, the United States' Minister at Asuncion.

Your Lordship is aware his Excellency had remained a considerable time at Corrientes, on his route to Paraguay.

Mr. Washburn told me he had now received from his Government orders to proceed to Asuncion, and I am inclined to think he will not be deterred by the refusal of the Brazilian commander to permit him to pass, for he spoke positively of proceeding, and indeed invited me to visit him at Asuncion.

Two other United States' vessels of war will, I believe, accompany the one in which Mr. Washburn ascends the river.

His Excellency left this on his route to Corrientes about a fortnight ago.

Lord Stanley.

W. G. LETTSOM.

Mr. Thornton to Lord Stanley.—(Received November 4.)

(Extract.)

Rio de Janeiro, October 8, 1866.

I HAVE lately had some conversation with Admiral Godon, Commander-in chief of the United States' naval forces on this station, relative to Mr. Washburn, the United States' Minister at Paraguay, having been refused permission to pass through the allied army or naval forces for the purpose of proceeding to his post at Asuncion. When first we conversed about the matter 3 weeks ago, the Admiral said that Mr. Washburn had not been positively refused permission in writing, and that as there were no United States' citizens in Paraguay and no United States' interests there whatever, he thought it hardly worth while to raise a discussion upon the subject, although he considered that Mr. Washburn had a right to insist upon being allowed to proceed to his post.

But upon recurring to the question a few days ago, Admiral Godon, having in the meantime received further letters from Mr. Washburn, said that although no refusal to pass up had yet been positively given to Mr. Washburn, he had, however, been treated with a want of friendly feeling and with some indignity, and that he thought he should decide upon putting a ship-of-war at Mr. Washburn's disposal, and ordering her commander to proceed with that gentleman. He considered that even if there were any doubt as to Mr. Washburn's right to go through the lines of the allied army or the Brazilian naval forces blockading the Paraguay, there was none that, as the right bank of the river between its mouth and that of the Vermejo is Argentine territory, an United States' ship-of-war had a full right to ascend as far as the mouth of the Vermejo without molestation, after which there would be of course no obstacle to its proceeding to Asuncion.

By the packet from England which reached this port on the 4th instant, General Ashworth arrived here on his way to Buenos Ayres as United States' Minister to the Argentine Republic; and I am told that this gentleman has stated he is the bearer of instructions from his Government to insist upon Mr. Washburn's being allowed to proceed to his post.

During an interview which I had with Senhor Ribeiro de Andrada this morning, I expressed my regret that there should be a difference of opinion upon the matter, and my hope that no collision would take place. His Excellency, without discussing the merits of the question, assured me in reply that such instructions had been sent to Admiral Viscount Tamandaré as would prevent any collision

with the United States' ships-of-war, although the Brazilian Government would be justified in entertaining and keeping to their own opinions as to the question of right,

Lord Stanley.

EDWD. THORNTON.

Mr. Mathew to Lord Stanley.—(Received January 1, 1867.)

(Extract.)

Buenos Ayres, November 27, 1866.

No intelligence of importance has been received from the seat of war.

Mr. Washburn, the United States' Minister to Paraguay, proceeded in the gun-boat *Shamokin* to Curupaiti, by agreement with the commanders of the allied forces, but was obliged to land there under a flag of truce, and to proceed by road to Asuncion (about 72 leagues off), in consequence of the dangerous impediments placed by the Paraguayans to the further navigation of the river. The *Shamokin*, on her way down at night, ran into and sank the steamer *General Flores*, laden with important stores for the Brazilian army, which have been wholly lost.

The Marquis de Caxias, the newly appointed Brazilian Commander-in-chief, had, at the last accounts, reached Corrientes within a few leagues of head-quarters; but the late heavy rains had rendered the allied camps a complete swamp, and a great increase of sickness must be the result,

The efforts made by the retrograde party, who appear to sympathize with President Lopez, in this and the neighbouring Republics, have increased with his danger; their endeavours to create jealousies between the Argentine and Brazilian leaders have not been wholly unsuccessful, and among the people of these various States the war has certainly been of late rendered very unpopular.

Senhor Octaviano, the Brazilian Envoy, on a special mission connected with the war, has recently visited General Urquiza in the State of Entre Rios, which has given rise to many suppositions; but it is probable that his sole object was to insure supplies, a remount, and possibly some further recruits for the allied forces.

The Government received last week the news of a sudden revolution in Mendoza, the capital of the State of that name, where the police of the town, apparently gained by money from some quarter, liberated and armed the prisoners, put the legal authorities to flight, and elected others of their choice.

The trade of the State is almost wholly with Chile. The press there have held a very hostile tone for some time, and latterly warmly congratulated Lopez on the repulse of the allies.

General Paunero, an officer of distinction, has been sent from this, and would collect troops on his way, and the Government

entertain the conviction that the insurrection will be put down without delay.

The necessities of this Government and the increasing difficulty they experience in getting recruits have, however, led to some very obnoxious and improper practices, chiefly in Monte Video, where sailors, especially from foreign vessels, are induced to desert, by agents who promise them lucrative employment on shore, but who bring them over here, and hand them, when stupefied with drink—often, possibly, drugged—to a recruiting depôt.

I have interfered, successfully as yet, in every case of English sailors that has come to my knowledge, but I am assured that a very considerable number of British subjects, so kidnapped, are now in the Argentine army on the frontier of Paraguay.

Señor Elizalde states, in reply to my suggestion that this system should be put a stop to by especial orders to the recruiting agents with regard to British subjects, that the law of the land particularly protects the voluntary enlistment of foreigners.

I am in daily expectation of seeing here Admiral Ramsay, who has just arrived at Monte Video. I am desirous of conferring with him, both on this question and on the propriety of sending some suitable vessel to the seat of war.

Lord Stanley.

GEORGE BUCKLEY MATHEW.

Mr. Thornton to Lord Stanley.—(Received January 1, 1867.)

(Extract.)

Rio de Janeiro, December 7, 1866.

ABOUT a month ago His Majesty the Emperor, with the consent of his Ministers, resolved to grant their freedom to such of the slaves under his control as would agree to serve as soldiers during the present war against Paraguay.

These slaves, who are about 3,000 in number, are not actually the property of His Majesty; he merely has a right to their labour: they belong, properly speaking, to the nation, His Majesty himself holding no slaves of his own property.

Up to the 1st instant, 249 of these slaves had received their freedom and had enlisted as soldiers. As the Emperor had also granted freedom to the wives and children of these men, the whole number of those who have become free by this means may be considered to be about 700.

By a Decree of the 6th ultimo, translation of which I have the honour to inclose, the Brazilian Government have also granted gratuitous freedom to those of the slaves of the nation who will consent to serve as soldiers during the present war, as also to their families. These slaves are about 1,000 in number, but as they are all in distant parts of the country, the Government have not yet

received any information as to the proportion of them who would be willing to serve.

Some other slaves have been purchased, and their freedom granted them by private individuals liable to the conscription, on condition of their serving as substitutes for their purchasers in the army. The number of those enrolled under this head up to the 1st instant was 173. But in this case the families of the freed slaves have not obtained their freedom.

I hope soon to have a report of the number freed on the same conditions in the Province of Rio Grande, where subscriptions are being raised for the purpose by the most influential people of the province.

It is not to be supposed that these freed slaves will be very valuable as soldiers, but I look upon the fact with satisfaction as a step towards general emancipation, the feeling in favour of which is gaining ground every day.

The whole number of slaves already freed in the manner above-mentioned are certainly not many; but they represent more than their actual number, because they are all young, and amongst them are many young women.

The example shown by the Emperor and his Government will, it is hoped, exercise a salutary influence upon other individuals and corporate bodies, and I am told that a considerable amount of moral pressure has been brought to bear upon the religious orders to induce them to take a similar step. The Benedictines possess about 3,000 slaves, many of whom, I understand, are almost white.

Lord Stanley.

EDWD. THORNTON.

(*Inclosure.*)—Decree of November 6, 1866, granting gratuitous freedom to the slaves of the nation designated for the service of the army.

[See Vol. LVII. Page 1273.]

Mr. Lettsom to Lord Stanley.—(Received May 4.)

MY LORD,

Monte Video, March 29, 1867.

THE allies, as has been the case since September last, have undertaken this month no serious operations in their war against Paraguay; but from all I can gather it seems probable that before the end of next month this state of inaction on the part of the allies will cease.

Much has been said of late at this place as to the mediation tendered by the Government of the United States to the contending parties, with the view of putting an end to the existing differences.

It has been stated here, almost officially, that Brazil rejects all idea of mediation, of intervention, or of arrangement of any kind. I have reason to believe, however, that as yet the tender of mediation on the part of the United States has not been officially rejected by Brazil.

Indeed, Admiral Godon, the United States' Commander-in-chief, when calling on me the other day upon his return from Buenos Ayres, stated to me that the Brazilian Minister there told him that Brazil would be willing to agree to the general bases of the proposed negotiations if suitable guarantees could be obtained by which the freedom of the rivers of Paraguay would be secured in a stable manner.

Admiral Godon added that the Government of the United States, like that of England, of course would not lightly guarantee anything whatever, inasmuch as a "guarantee" given by either of such Governments was more than an idle word.

I have, &c.,

Lord Stanley.

W. G. LETTSOM.

Mr. Thornton to Lord Stanley.—(Received May 4.)

MY LORD,

Rio de Janeiro, April 8, 1867.

IN a conversation which I had two days ago with the Brazilian Minister for Foreign Affairs, his Excellency informed me that the Argentine and Monte Videan Governments had finally resolved to express to the Representative of the United States their regret that they do not feel justified in accepting the good offices which had been tendered with the view of restoring peace between their countries and Paraguay, and that they would ground their rejection of the offer upon their conviction that the war with Paraguay was upon a point of honour, and that it was impossible for any one but themselves to decide when and by what means their honour would be satisfied.

I understand that the Brazilian Government will accordingly give a similar answer to General Webb's communication upon the subject.

I have, &c.,

Lord Stanley.

EDWD. THORNTON.

Mr. Mathew to Lord Stanley.—(Received May 21.)

MY LORD,

Buenos Ayres, April 6, 1867.

I HAVE the honour to transmit to your Lordship herewith the correspondence between this Government and the Minister of the United States on the subject of mediation in the war with Paraguay, referred to in my late despatches.

The publication of these notes has been followed by the appear-

ance (first in an Opposition journal) of a reply from Señor Berges, Minister for Foreign Affairs of Paraguay, to a communication apparently addressed to him on the same matter by the Representative of the United States in that Republic, Mr. Washburn.

General Ashworth had previously shown me this document, received from his colleague, a copy of which I beg leave to inclose; but he had no cognizance of the note it purported to answer.

I apprehend that your Lordship will concur in the opinion I have already expressed, that the plan of mediation proposed by the United States was ill-suited to the circumstances of the case, and to the exigencies of this country, however desirous the Allies might be for the restoration of peace.

The sole object of this Government in lowering their demands or expectations for the sake of concluding by negotiation a contest which they believe must end in their triumph, would be the immediate reduction of their army, which is kept up at a heavy expense, and is composed of men to whom the discipline of regular warfare is hateful, and whose obligatory service, away from their families and homes, renders the Government unpopular, and thus tends to aid the intrigues of its political opponents.

But, as I have had the occasion to observe, the selection of so distant a place as Washington for the meeting of Plenipotentiaries, and the probable necessity (alluded to in Article III of the proposed plan) of their repeated communications with their respective Governments, would render any reduction impossible for a lengthened period, as no confidence would be placed in the good faith of President Lopez, and thus good ground is furnished for M. de Elizalde's statement, that the course suggested by the United States would not carry out the object in view.

It must also be admitted that any time spent in negotiations would be exclusively to the advantage of President Lopez, who might be enabled to renew his exhausted supplies, both from home sources and from abroad through the Pacific States.

Whatever may have been the action and policy of Brazil, I think that the position of the Argentine Republic in this war is correctly and fairly laid down in M. de Elizalde's note of the 30th ultimo.

Although the name of "Republic" is adopted in Paraguay, the Government of that fine country is one of pure despotism, without a parallel, save in the pages of Sismondi. General Lopez succeeded his father in this arbitrary power, which is said to extend not only to the smaller concerns of commerce, but to social and private life, and he expects, I am informed, to bequeath it to his illegitimate son.

It can create no surprise that the vicinity of a Government so antagonistic in its principles should have been deemed a constant

menace and a source of danger by the Argentine Republic, and more particularly since the expulsion of General Rosas; and it cannot be denied that the avowed meddling of President Lopez in the affairs of the Banda Oriental (Uruguay), and the now-proven fact that he had collected for several years past military stores, which could only be needed for aggressive purposes, have justified the fears entertained. He seems apparently to have been led by an overweening opinion of his military talent and of his knowledge of warfare (acquired during a visit to the Crimea) into the hasty and ill-judged course of declaring war against Brazil and the Argentine Republic. But I am induced to think that the unexpected prolongation of the contest is due far more to the inefficiency and incompetency of his foes than to any acts on his part; nor can I venture to predict even now, though I believe the war to be near its termination, that it will end by the success of the Allies, unless they adopt entirely different plans, and evince less dilatoriness in carrying them out and greater energy in their movements.

I fear that General Lopez is not likely to take into consideration the ruin and the individual misery his persistence in clinging to power has brought already upon Paraguay. I availed myself, indeed, of a proper opportunity to suggest to Mr. Washburn to urge these matters upon him, whenever he could no longer hope for ultimate success, as important to his honour and to his good standing abroad. Mr. Washburn informs me, in a private letter of the 29th ultimo, that he had done so, but I am afraid with little effect.

I must frankly say that the impression produced upon me by a perusal of the note of the Minister for Foreign Affairs in Paraguay is, that it has been drawn up with a view to its influence in more distant countries; and I am bound to suppose that Señor Berges has greatly misunderstood Mr. Washburn's meaning, for he refers to his note as having communicated to him the "rejection" by the Governments of Brazil and of the Allied Republics of the mediation he (Mr. Washburn) had been instructed by the President of the United States to offer to them, and thanks him most especially for the firm tone in which he repelled the condition that President Lopez should leave the country, as a preliminary to peace arrangements.

I apprehend that Mr. Washburn's only knowledge at that time of the mediation question was the informal account given to him by Marshal Caxias, on his visit to the allied camp, mentioned by Mr. Watson in his letter transmitted to your Lordship by the last mail.

Señor Berges proceeds at considerable length to justify the commencement of hostilities by Paraguay, by referring to the action of Brazil in the Banda Oriental, laying much stress upon the alleged

abolition of the "Liberal Democratic Institutions" of that Republic by the Government established there by Brazilian aid. He bases the declaration of war against the Argentine Republic on the refusal by that Government of the permission solicited to march Paraguayan troops across the territory of Corrientes, while, as he alleges, Brazilian vessels had free access to the rivers. He refers in strong language to the Treaty made by the Allies, and concludes by a declaration that Paraguay is prepared to continue the war, and relies on ultimate success.

I have, &c.,

Lord Stanley.

GEORGE BUCKLEY MATHEW.

(Inclosure.)—*Correspondence between the Argentine Government and the Minister of the United States.*

Mr. Thornton to Lord Stanley.—(Received June 1.)

MY LORD,

Rio de Janeiro, May 7, 1867.

I HAVE the honour to transmit to your Lordship herewith, two printed copies and a translation of the note which has been addressed by the Brazilian Minister for Foreign Affairs to General Webb, United States' Minister to this Court, in reply to the note of the latter offering the good offices of the United States towards terminating the war between Brazil and her allies on one side, and Paraguay on the other.

In his reply Senhor Albuquerque expresses the grateful sense entertained by his Government of the offer made by the United States, and their regret that they cannot have the satisfaction of accepting it.

General Webb's note to which the inclosed is a reply has not been published.

I have, &c.,

Lord Stanley.

EDWD. THORNTON.

Lord Stanley to Mr. Mathew.

SIR,

Foreign Office, May 7, 1867.

I TRANSMIT to you herewith a copy of a letter from Dr. Fox, giving extracts of letters from his son, a medical man, who had engaged himself in the service of President Lopez in Paraguay, and who, the term of his contract having expired, was anxious to leave the country, but was not, in common with other British subjects, allowed to do so; and I have to direct you to take such steps as may be within your power, to obtain facilities for Dr. Fox, and for any other British subjects desiring to leave Paraguay, to quit the

country ; taking care, however, not to compromise their personal safety by anything which you may do. I am, &c.,

G. B. Mathew, Esq.

STANLEY.

Lord Stanley to Mr. Mathew.

SIR,

Foreign Office, June 5, 1867.

WITH reference to my despatch of the 7th ultimo, respecting British subjects in Paraguay, I inclose for your information a copy of a further letter from Dr. Fox ; and I have to instruct you to consult with the Admiral as to the expediency of sending a gun-boat up the river, with the concurrence, if it can be obtained, of the officer in command of the blockade, and for the sole object of affording such British subjects as may desire and may be permitted to quit Paraguay, an opportunity of doing so.

If you should agree that the attempt may properly be made, it would be desirable that you should send Mr. Gould in the gun-boat with a letter from you to the Paraguayan Minister, stating that, being given to understand that there were several British subjects in Paraguay who were anxious to leave the country, Her Majesty's Government had directed you to express the hope that no impediment on the part of the authorities of Paraguay would be offered to their doing so, and, to facilitate their departure, have sent up one of Her Majesty's ships-of-war to receive them on board, and to convey them from the Paraguayan territory.

You will of course be very careful, in executing this instruction, to avoid raising questions with either belligerent which might give rise hereafter to inconvenient discussion.

The attention of the Chargé d'Affaires of Paraguay in this country has been called to this detention of British subjects against their will, and he will doubtless communicate to his Government by the present mail the dissatisfaction which its proceedings in this respect are calculated to produce in this country.

I am, &c.,

G. B. Mathew, Esq.

STANLEY.

Mr. Mathew to Lord Stanley.—(Received August 5.)

MY LORD,

Buenos Ayres, June 23, 1867.

I HAVE made such inquiries as it was in my power to make in this town respecting Mr. Fox, whose detention in Paraguay forms the subject of your Lordship's despatch of the 7th May, but I have been unable to obtain any information respecting him.

I propose to avail myself of the first opportunity of the transmission of despatches, under a flag of truce, to Mr. Washburn, the United States' Minister, to thank him for the aid Mr. Fox states him

to have given to Her Majesty's subjects, and to request his further protection to that gentleman.

But it would be impossible for me, under present circumstances, to take any direct steps for the protection of Her Majesty's subjects in Paraguay, and (as Mr. Fox admits) highly dangerous to their safety; the moment, however, the navigation of the river is open, I shall apply to Admiral Ramsay to send up a gun-boat to Asuncion for that object.

I trust the Admiral's general instructions will insure his compliance with my request. I have, &c.,

Lord Stanley.

GEORGE BUCKLEY MATHEW.

Mr. Mathew to Lord Stanley.—(Received September 2.)

MY LORD,

Buenos Ayres, July 27, 1867.

I HAVE the honour to acknowledge your Lordship's despatch of the 5th ultimo, with respect to the detention of British subjects in Paraguay.

The difficulty attendant upon any effectual steps for their relief was, as your Lordship will be aware, of a complicated nature; for in addition to any impediments that might arise from the actual operations of the allied forces, and from torpedoes and other obstructions in the river above Curupaity, the letters of some of the persons who have been compelled to serve in a military capacity express most strongly the fear of the writers that any demand upon President Lopez for their liberation, unsupported by the presence of one of Her Majesty's ships, would place their lives in jeopardy.

Your Lordship will, however, have gathered from my despatch of the 23rd ultimo, that I was prepared to avail myself of the first favourable contingency to take some measures in their behalf; and having had reason to believe that the obstacles to free navigation had been swept away by the extraordinary rise of the water and increased current in the river, and, on the other hand, that a decisive action was imminent, I communicated my wish to send a gun-boat to Paraguay, to Admiral Ramsay and to Mr. Thornton, in Rio, whose assistance in obtaining the ready assent of the Brazilian Government I beg leave to acknowledge.

Your Lordship's despatch having at this juncture reached me, I made immediate arrangements for carrying out your Lordship's instructions. Mr. Gould sailed yesterday in Her Majesty's gun-boat *Doterel*, which Admiral Ramsay had placed at my disposal for this service, and I entertain a sanguine hope that his presence, at a moment of evident danger to Her Majesty's subjects in Paraguay, will ensure them efficient protection and relief.

I beg leave to inclose a copy of my instructions to Mr. Gould, who had been absent for a few days at Rosario, but who returned

yesterday morning in time to converse fully with me on the subject of his mission. Your Lordship will perceive that this Government (as well as that of His Imperial Majesty the Emperor of Brazil) have offered every facility for the passage of the *Doterel*.

I have, &c.,

Lord Stanley.

GEORGE BUCKLEY MATHEW.

(*Inclosure.*)—*Mr. Mathew to Mr. Gould.*

(Extract.)

Buenos Ayres, July 24, 1867.

IN consequence of representations from British subjects in Paraguay to Her Majesty's Government, through their relatives at home, Lord Stanley has instructed me to send you in one of Her Majesty's gun-boats to that Republic, with a letter to the Minister for Foreign Affairs, stating that Her Majesty's Government, having understood that several British subjects there were desirous of leaving the country, have directed me to express their hope that no impediment would be offered by the authorities to their doing so; and, to facilitate their departure, have sent up one of Her Majesty's ships-of-war to receive them on board and to convey them from the Paraguayan territory.

Lord Stanley particularly enjoins me, in carrying out these instructions, to avoid raising questions with either belligerent which might give rise hereafter to inconvenient discussions.

The attention of the Paraguayan Chargé d'Affaires in England has, his Lordship informs me, been called to the alleged detention of British subjects against their will, and he will doubtless, should he have any facilities of communication, have made known to his Government the dissatisfaction which such proceedings would be calculated to produce in England.

The *Doterel*, Lieutenant-Commander Michell, has been placed at my disposal by Admiral Ramsay, for this service, and, in consequence of your momentary absence on leave, proceeds to take you up at Rosario. I certainly should have much wished to have been enabled to converse with you personally on the subject of your mission; but you are so fully acquainted with the peculiar position of affairs in Paraguay, and so well aware of the great care that may be necessary to avoid endangering even the lives of any British subjects who may, as asserted, have been compelled to perform military service against their will, and in violation of Her Majesty's Proclamation, that I feel I can leave the matter wholly in your hands.

I have received from the Government of this Republic, and from M. de Britto on behalf of the Brazilian Government, the assurance that every facility compatible with the military operations of the moment will be afforded for the passage of the *Doterel* through the blockade,

or for your landing and passing (under your flag of truce) to the Paraguayan camp; and I inclose a despatch to the above effect addressed to his Excellency General Mitre from the Vice-President administering the Government.

The present position of affairs on the frontiers of Paraguay, where, I am informed, a decisive action is imminent, would lead me to defer your mission were it not obvious that this would be the time of more especial danger to British subjects, and when the presence of Her Majesty's ship at Asuncion would be of the greatest utility.

Your object being to obtain the release of any British subjects in the Paraguayan camp, as well as to afford to those in the interior of the country the means of quitting it, I conclude that, if matters are unchanged on your arrival at Curupaity, your first step will be to inform the Paraguayan commander, by a flag of truce, that you are the bearer of a letter from me to be delivered personally to the Minister for Foreign Affairs, who may be in the camp.

You will be guided by subsequent circumstances in asking for an unmolested passage for the *Doterel* to Asuncion as soon as you can ascertain with certainty that all the impediments to navigation stated to have been placed in the river are removed.

You may find it difficult to carry any considerable number of passengers in the *Doterel*, but, unless in very exceptional cases, it seems merely necessary to convey them to Corrientes or to the nearest port whence they can obtain steam conveyance to this city. Among British subjects in Paraguay I may recall to your recollection the names of Messrs. Valpy, Burrell, Fox, and Rhind, said to be in the camp, and the widow and children of Mr. Grant, a civil engineer at Asuncion. I have, &c.,

G. F. Gould, Esq.

GEORGE BUCKLEY MATHEW.

Mr. Mathew to Lord Stanley.—(Received November 18.)

(Extract.)

Buenos Ayres, October 10, 1867.

THE *Doterel* arrived from Paraguay on the 28th ultimo, but Mr. Gould did not reach this city until the 2nd instant, having left her when aground in the river, and having accepted the offer of a passage in a Brazilian transport to Monte Video, in the mistaken hope of making a quicker voyage down.

I regret deeply to have to report to your Lordship the complete failure of Mr. Gould's earnest and repeated endeavours to obtain permission for Her Majesty's subjects in Paraguay to leave that country.

President Lopez refused even to allow the 5 individuals now detained against their desire in his camp to retire to Asuncion, and

the sole concession he made, if it can be called such, was in the embarkation on board the *Doterel* of 3 English widows, with their children, most of whom were, I believe, a charge upon his Government.

I will not occupy your Lordship's time by an unnecessary recapitulation of Mr. Gould's proceedings on this question, as they are minutely detailed in his correspondence, which I have the honour to transmit herewith.

The statements in the notes of President Lopez, written by his private secretary, Señor Caminos, cannot but create an unfavourable impression and give weight to the fears Mr. Gould expresses for the safety of the British subjects. It may not be irrelevant to observe that the "contracts," to which frequent reference is made in the notes exchanged, had not only in most cases expired, but were made for peaceful occupations, and were never intended to place the contracted under fire, and to thus force them into the position of violating Her Majesty's proclamation. I believe that more than one English engineer engaged for river steamers in Paraguay has been killed during this war.

President Lopez assuredly has no cause to complain of want of the utmost deference and attention in the notes of Mr. Gould, who possibly went to the extreme in his desire to give no pretext for offence on that score.

With the exception of his first despatches (copies of which, as well as of my reply of the 15th August, I beg leave to inclose, with the view of placing the entire matter, to the date of Mr. Gould's return, in your Lordship's hands), Mr. Gould appears to have had no safe means of forwarding his communications to me, and therefore brought them down himself.

Although he has been unsuccessful in his endeavours, I cannot but bring to your Lordship's notice the energy and perseverance he has evinced on a mission which apparently exposed him to some personal danger when visiting the allied camp, and I entertain the hope that he may have merited your Lordship's approbation.

Lord Stanley.

GEORGE BUCKLEY MATHEW.

(Inclosure 1.)—*Mr. Gould to Mr. Mathew.*

SIR,

Doterel, River Paraná, August 2, 1867.

I HAVE the honour to report that, in obedience to the instructions you delivered to me personally, I embarked the same day (July 26) on board this gun-boat; but I regret to state that, owing to her heavy draught of water and small steam-power, which render her unfit for the navigation of this river, I will, under the most favourable circumstances, not be able to reach the seat of war much before the middle of this month.

Considering it to be a matter of the highest importance that I should arrive at my destination as soon as possible, I have taken upon myself to request Lieutenant-Commander Michell to proceed with the utmost despatch consistent with the safety of Her Majesty's vessel under his orders.

There are one or two important points in your instructions to me to which I will venture to draw your attention.

You are aware that more than two years ago, at the commencement of the present war, torpedoes and other obstacles to navigation were laid down in the River Paraguay, near the fortresses of Curupaity and Humaitá, some of which have been fished up by the Brazilian naval forces in different parts of that river far below the positions in which they were originally placed by the troops of President Lopez. I apprehend, therefore, that it cannot be your present intention that Her Majesty's gun-boat should attempt to ascend the River Paraguay, unless the Brazilian fleet has previously forced its passage beyond the two before-mentioned fortresses, although you are of opinion that, as a decisive action is imminent, "this would be the time of more especial danger to British subjects, and when the presence of Her Majesty's ship at Asuncion would be of the greatest utility," otherwise it will be impossible for me "to ascertain with certainty that all the impediments to navigation have been removed," whatever assurances I may receive on the subject from the commanders of the Paraguayan forces.

You further instruct me, first, "to obtain the release of any British subjects in the Paraguayan camp," and, secondly, "to afford those who may be in the interior of the country the means of leaving it." I feel it my duty not to conceal from you that to carry the first point will probably be a matter of the greatest difficulty, as President Lopez will be most unwilling to release the British subjects alleged to be detained in his camp, for they are all engineers or medical men, whose services are indispensable to him, and whom he cannot possibly replace at the present moment.

With regard to the second object in view, I beg to observe that, unless Her Majesty's gun-boat ascends the River Paraguay, I will be deprived of the only available means of facilitating the departure of those British subjects resident in the interior of the country who may be desirous of leaving it.

Moreover, I find from the despatch you have addressed, in the name of Her Majesty's Government, to the Paraguayan Minister for Foreign Affairs on this subject that in it his Excellency is merely informed that I am charged with the honour of placing it in his hands, and I fear he may, therefore, be led to infer that he is at liberty to refuse to entertain any representations I may have to

make, or to allow me to take measures for the protection or removal of the British subjects in question. I have, &c.,
G. B. Mathew, Esq. *G. F. GOULD.*

(*Inclosure 2.*)—*Mr. Gould to Mr. Mathew.*

SIR, Doterel, *Itapirú*, August 13, 1867.

OWING to the praiseworthy exertions of Lieutenant-Commander Michell, the officers, and crew of Her Majesty's gun-boat, I succeeded in reaching this port on the 11th instant, and proceeded the same day with Commander Michell to the head-quarters of the 2nd Brazilian Army Corps at Tuyuti.

General Viscount Porto Alegre, the commander of this corps, received us with the most marked courtesy, and kindly communicated at once to the Brazilian Commander-in-chief, Field-Marshal the Marquis of Caxias, our arrival at this port, and our desire to be allowed to proceed without loss of time to the head-quarters of the allied army at Tuyucué. I took the opportunity of addressing at the same time a note to his Excellency President Mitre, as Commander-in-chief of the allied army, requesting the honour of an interview, for the purpose of presenting the despatch addressed to his Excellency by the Government of the Republic with which I am charged.

I have received this day President Mitre's answer to my communication, which I beg herewith to inclose, and, in consequence, I intend to avail myself of the escort obligingly placed at my disposal by General Viscount Porto Alegre, and, in company with Commander Michell, to proceed to-morrow morning to Tuyucué, although, as you will learn from the inclosure, his Excellency the President has had the extreme kindness to warn me that the journey is attended with some risk.

With the exception of occasional attacks by the Paraguayan forces on the Brazilian lines of communication, one of which, on the 11th instant, was rather serious, no change of any importance has occurred in the positions of the contending armies since the advance of the allies to Tuyucué.

I have, &c.,

G. B. Mathew, Esq. *G. F. GOULD.*

(*Inclosure 3.*)—*President Mitre to Mr. Gould.*

(Translation.) *Head-quarters, Tuyucué, August 12, 1867.*

I HAVE received the note addressed to me by Mr. Secretary, under yesterday's date, announcing his arrival at the encampment of Tuyuti, with despatches to my address, and requesting me to give him the means of coming to head-quarters to effect personally the delivery of the said despatches.

I shall have much pleasure in receiving Mr. Secretary and the communications of which he is the bearer, and, in accordance with his wishes, I have ordered the means of transport to be put at his disposal; notwithstanding, should he wish to avoid a long and somewhat dangerous road, he can deliver the communications that are addressed to me to his Excellency Viscount Porto Alegre.

BARTOLOME MITRE.

(Inclosure 4.)—*Mr. Mathew to Mr. Gould.*

SIR,

Buenos Ayres, August 15, 1867.

I HAVE to acknowledge your despatch of the 2nd instant, which reached me yesterday.

In reply to a private note from you previously received, I have already written to authorize you to substitute for the words, "with certainty, &c.," in your instructions, these: "on reliable information that no insuperable impediments exist to her proceeding up the river with perfect safety."

I did not feel myself authorized to give you an appointment as Chargé d'Affaires, but I inclose to you a despatch addressed to the Paraguayan Minister, which you can substitute for the one already given to you, in which I have explained more fully and in detail the duties with which Her Majesty's Government have charged you.

I trust this will facilitate your mission.

I have, &c.,

G. F. Gould, Esq.

GEORGE BUCKLEY MATHEW.

(Inclosure 5.)—*Mr. Mathew to Señor Berges.*

Buenos Ayres, July 24, 1867.

THE Undersigned, Her Majesty's Minister Plenipotentiary, has the honour of addressing his Excellency Don José Berges, Minister for Foreign Affairs of the Republic of Paraguay, for the purpose of requesting he will be pleased to communicate to his Excellency the President that Her Majesty's Government, having understood that several British subjects were desirous of leaving Paraguay, have instructed him to express their hope that no impediment on the part of the Paraguayan authorities will be offered to their doing so, and have directed, in order to facilitate their departure, that one of Her Majesty's ships of war should proceed up the river to receive them on board, and to convey them from the Paraguayan territory.

Mr. Gould, Secretary of Her Majesty's Legation, has been specially charged by Her Majesty's Government with the duties attendant on this service: he will have the honour of placing this communication in his Excellency's hands, and of making such arrangements with his Excellency for the passage of the *Doterel* to

Asuncion, and for carrying out the friendly objects of his mission, as may be found necessary.

The Undersigned, &c.

Señor Berges.

GEORGE BUCKLEY MATHEW.

(*Inclosure 6.*)—*Mr. Gould to Mr. Mathew.*

SIR,

Doterel, *Itapirú*, August 15, 1867.

I HAVE the honour to acknowledge the receipt of your letter, kindly authorizing me to make certain slight modifications in my instructions, in the sense which I ventured to suggest to you in my despatch of the 2nd instant.

Yesterday morning, in company with Commander Michell, I proceeded under a strong escort from Itapirú, *viâ* Tuyuti, to the head-quarters of the allied army at Tuyucué, a distance of about 12 miles. His Excellency President Mitre, who commands in person the advanced guard, received us most cordially, and on making himself acquainted with the contents of the despatch from his Government, of which I was the bearer, stated, that he would be happy to further, as far as lay in his power, the views of Her Majesty's Government as regards the mission entrusted to me. He not only at once caused a despatch in that sense to be addressed under flying seal to the Brazilian Commander-in-chief, which he desired me to take charge of, but graciously determined upon riding with me to the Marquis' head-quarters, where I met with an equally flattering reception.

At the interview which ensued, it was agreed that the Marquis de Caxias should give me a despatch to General Viscount Porto Alegre, authorizing his Excellency to forward under a flag of truce any communication I might desire to make to President Lopez. The Field-Marshal also gave me a second despatch for Admiral Ignacio, instructing him to allow the *Doterel* to pass at any moment when her passage would not actually impede the operations of the squadron under his orders.

As it was out of the question to attempt to return to Itapirú that evening, Commander Michell and I gladly accepted the Marquis de Caxias' kind hospitality for the night, President Mitre considering his own quarters to be too much exposed to the enemy's fire.

At an early hour this morning we returned under escort to Tuyuti, from whence, owing to the extreme kindness of General Viscount Porto Alegre, I was enabled to forward this evening, by a flag of truce to President Lopez, the note copy of which is herewith inclosed for your information.

This morning, after a short engagement, the Brazilian iron-clad squadron under the command of Admiral Ignacio succeeded in passing the strongly fortified position of Curupaity, and is now, I

am told, in close proximity to the fortress of Humaita, while the squadron of wooden vessels maintains its former position below Curupaity. No reliable particulars respecting this engagement, have as yet, to my knowledge, been received, owing to the extreme difficulty of communication.

I have, &c.,

G. B. Mathew, Esq.

G. F. GOULD.

(Inclosure 7.)—*Mr. Gould to President Lopez.*

Doterel, Itapirú, August 15, 1867.

THE Undersigned, Secretary of Her Britannic Majesty's Legation to the Republic of Paraguay and the Argentine Confederation, has the honour to inform his Excellency Field-Marshal President Lopez that he has arrived on board the above-named vessel of Her Majesty's Navy, and that he is charged by Her Majesty's Government with a special mission to the Government of the Republic of Paraguay. He has therefore the honour to request his Excellency, in the name of Her Britannic Majesty's Government, to allow him, and Her Majesty's vessel *Doterel*, to pass into the territory of the Republic of Paraguay through the lines of defence established by the army under his Excellency's orders; and he has to add, that the commanders of the allied forces, acting in compliance with the orders of their respective Governments, have given him positive assurances that no impediment will be offered by the forces under their command to his passage, and that of Her Majesty's vessel, through the positions they at present hold.

At the same time he takes this opportunity of informing his Excellency that he has the honour to be the bearer of despatches from the Governments of France and the United States to their respective Agents in the Republic of Paraguay.

He feels confident his Excellency will have the goodness to acquaint him, at his earliest possible convenience, with the decision he may have been pleased to come to, as to the best means of meeting the wishes of Her Majesty's Government with regard to the passage of Her Majesty's vessel *Doterel*, and of placing the Undersigned in direct communication with his Excellency's Government.

The Undersigned, &c.

G. F. GOULD.

(Inclosure 8.)—*Mr. Gould to Mr. Mathew.*

SIR,

Curupaity, August 18, 1867.

PRESIDENT LOPEZ' reply to my note of the 15th instant (inclosed in my despatch of the 15th instant) only reached me late yesterday evening, while on a visit to General Viscount Porto

Alegre's head-quarters at Tuyuti, and I have the honour to forward it herewith to you in original and translation.

Without loss of time I hastened back to Itapirú, and at sunrise this morning I was on my way to Curuzu in Her Majesty's gun-boat *Doterel*. At the Tres Bocas and further up the Paraguay Her Majesty's gun-boat was twice directed to stop by the Brazilian men-of-war engaged in maintaining the blockade of that river.

By inadvertence the order for her passage through the blockading squadron had not yet been received by the commanders of those vessels; after a very slight detention, however, she was permitted to proceed, on my assuring them that I had already obtained the assent of the General-in-chief of the allied forces, although, according to what I believe to be the practice when a vessel-of-war of a neutral Power desires to enter a blockaded river or port, they would have been fully justified in detaining Her Majesty's gun-boat until they had communicated with the Naval Commander-in-chief.

On arriving at Curuzu I requested Lieutenant and Commander Michell to anchor astern of the Brazilian Admiral's ship, where the *Doterel* would be beyond range of the Paraguayan shells and out of the line of fire of the fleet.

The Admiral received Lieutenant - Commander Michell and myself most courteously; but objected to hoist a flag of truce, as he was then actively engaged in bombarding the Paraguayan positions at Curupaity. It was therefore agreed that, as soon as Her Majesty's gun-boat got under weigh, he would hoist the British flag and then signal to the fleet to cease firing, which would not be resumed until the *Doterel's* return to the position she actually occupied after having landed me at Curupaity, where, according to the terms of President Lopez' letter, an officer would be in attendance the whole day to pilot Her Majesty's gun-boat to a spot where she might safely anchor.

Owing to the information I had previously received during my interview with the allied Generals as to the obstacles to navigation to be met with between Curupaity and Humaitá, and the tenor of the reply to the request I addressed to President Lopez that Her Majesty's gun-boat should be allowed to proceed to Asuncion, I had been reluctantly compelled to give up all hope of carrying out that part of your instructions which referred to the protection to British subjects which the presence of Her Majesty's vessel at Asuncion would have undoubtedly afforded them at the present crisis.

In consequence of the above arrangement, as soon as the *Doterel* got under weigh, the Brazilian fleet ceased firing, and she steamed past with the British ensign flying at the peak, as, not belonging to a belligerent Power, she had no occasion to hoist a flag of truce.

I landed this evening with Lieutenant and Commander Michell

at the appointed spot, and requested him to return with all possible speed to the anchorage he occupied in the rear of the Brazilian fleet, and there he is to wait 3 full days, as, although I considered it would have been far better that Her Majesty's vessel should remain in sight, and be at hand in case of any sudden emergency, he has objected to remain beyond that time, unless I should make a written request to that effect, on the ground that the River Paraguay is very unhealthy, and that he might find it difficult to obtain fresh provisions for the crew. At the end of the above time the *Doterel* will therefore return to Corrientes, and on the British flag being hoisted at Curupaity, the Brazilian Admiral has kindly promised to send a despatch-boat to Corrientes for Her Majesty's gun-boat.

I cannot conclude without requesting you to call the particular attention of Her Majesty's Government to the great readiness shown by the commanders of the allied forces to further, by every means in their power, the wishes of Her Majesty's Government with regard to the successful termination of the mission entrusted to me; and, moreover, I feel especially grateful to Field-Marshal Caxias and the officers under his orders for the extreme kindness and condescension with which on every occasion both Lieutenant-Commander Michell and myself have been treated.

I have, &c.,

G. B. Mathew, Esq.

G. F. GOULD.

(Inclosure 9.)—*Señor Caminos to Mr. Gould.*

(Translation.) *Head-quarters, Paso Pucú, August 17, 1867.*

THE Undersigned has received orders from his Excellency the Marshal-President of the Republic to acknowledge the receipt of the communication that you addressed to him from Itapirú, dated the 15th instant, on board Her Majesty's gun-boat *Doterel*, in which you advise having been charged by Her Majesty's Government with a special mission to the Government of this Republic, and request permission to pass with Her Majesty's gun-boat into the territories of the Republic, through the lines of defence established by the army; adding, that the commanders of the allied forces, in accordance with the orders received from their respective Governments, have given positive assurances that no impediment will be offered to you, or to Her Majesty's gun-boat, by the forces under their command, in the position they now hold.

His Excellency orders me to inform you that, notwithstanding his wishes to consent to Her Majesty's gun-boat *Doterel* going up as far as the capital of the Republic, the present state of the navigation of the river, owing to the military operations of the allies, will render it difficult; but his Excellency, always desirous of giving

proof of friendship and deference to the neutral Powers, will have the satisfaction of offering to you the greatest facilities to carry out the mission with which Her Majesty's Government has charged you, and that Her Majesty's gun-boat *Doterel* may navigate the waters of the Republic as far as may be deemed safe. This point his Excellency considers limited to Curuzu, a little further in advance of the first line of the enemy's fleet, where, to-morrow and the day after, from 8 o'clock in the morning until sundown, you will find an officer of the national fleet, who will pilot the *Doterel*, and conduct you with safety to the positions occupied by the forces under his command.

As to the correspondence addressed to the Agents of the French and American Governments, the Undersigned will undertake to forward them to their respective addresses, should it suit your convenience.

I avail, &c.,

G. F. Gould, Esq.

LUIS CAMINOS.

(Inclosure 10.)—*Mr. Gould to Mr. Mathew.*

Paraguayan Head-quarters,

(Extract.)

Paso Pucú, August 22, 1867.

THE very evening of my arrival (the 18th instant) I was informed by the President's Secretary that his Excellency would receive me privately, and I had, therefore, the honour of spending a couple of hours with the President, who assumed towards me an extremely frank and cordial manner.

After reminding me that this was not an official interview, and inquiring the object of my visit to his camp, his Excellency said he deeply regretted that I should have been charged with such a mission, as he could not, under the circumstances, possibly dispense with the services of the British subjects in Paraguay, who were all in his employment and bound by contracts. His Excellency, moreover, added that he could not allow any foreigners at the present crisis to quit the country, or even return from the camp to the capital. Should permission to leave be granted to one, his Excellency observed, the rest would, in all probability, wish to follow. He had, therefore, been obliged to refuse a private and most pressing appeal, which Mr. Washburn, the United States' Minister at Asuncion, had addressed to him in behalf of an American citizen.

Señor Berges, his Minister for Foreign Affairs, had in consequence only recently notified publicly that no foreigner would, in the actual critical state of affairs, be permitted to withdraw from the Republic. His Excellency dwelt at considerable length on the partiality which he had at all times shown for Englishmen, whom he had exclusively

employed, on the great benefits he had conferred on some of them, and the special protection he had extended to all, although Her Majesty's Government had failed to send either a Consular or Diplomatic Agent to watch over their interests. His Excellency further assured me none of them had the slightest cause of complaint; on the contrary, they were one and all perfectly happy and contented. None of them, to his knowledge, desired to leave the country, and all had engagements, which they were gladly fulfilling to his entire satisfaction. I should have every opportunity afforded me of conversing with the few British subjects in his camp, who would fully corroborate what he had asserted.

His Excellency proceeded to complain of the want of sympathy evinced by Her Majesty's Government towards Paraguay; of his desire to cultivate more friendly and intimate relations with Great Britain not having been reciprocated; of the way in which his policy had been misconstrued in England; and, finally, of the breaches of neutrality committed by Her Majesty's Government during the present war. He had, unfortunately, no one to advocate his cause, and he was shut out from the rest of the world. He considered it very unfair on the part of Her Majesty's Government to call upon him to give up the small number of British subjects who had freely entered his service, while no notice seemed to be taken of the loans, ships, and arms obtained by his adversaries in Great Britain, and of the hundreds of Englishmen fighting against him in their ranks.

With regard to the despatch addressed by you to his Minister for Foreign Affairs, his Excellency stated he could not be expected to take any official notice of it, as you have not yet presented your letters of credence, which can only be done personally. He therefore considered he would have been fully justified in refusing to listen to any request I might be instructed to make on behalf of the British subjects in Paraguay, as I was unprovided with any direct communication from Her Majesty's Government to that of the Republic.

Nevertheless, to prove his anxious desire to meet the views of Her Majesty's Government, he would overlook these diplomatic informalities, and endeavour to make some exceptional concession in its favour without prejudicing his position, which had become exceedingly delicate with regard to other neutral Powers since the publication of the notification he had previously alluded to.

His Excellency concluded by making some highly flattering remarks about me, and saying that such was the sympathy he felt for me that, out of personal regard, he would wish to see my mission brought to a successful termination.

began by endeavouring to convince the President that the

object of my mission was not to complain of the treatment of the British subjects in the Republic, but simply to request his Excellency to allow those among them who might desire to leave Paraguay to avail themselves of the facilities for doing so placed at their disposal by Her Majesty's Government. I added that this friendly request was based on a positive international right, and that a refusal on his part to comply with it would be not only highly impolitic, but inhuman. If these British subjects were all, as he asserted, happy and contented, the number of those wishing to leave would be so insignificant as to cause his Government no embarrassment; while he would thus, by a very slight sacrifice, gain over to his side not only Her Majesty's Government, but public opinion in the United Kingdom, which had become interested in their fate. The arrival of Her Majesty's gun-boat in the Paraguayan waters had placed my countrymen in an exceptional position, and rendered the notification he had referred to inapplicable to them. I would not take upon myself to call in question his Excellency's assertions, but I had good reason to believe that the contracts of most of the Englishmen in his service had long since expired, and that some at least of them were anxious to return to their homes. I would not, however, attempt to ascertain their real feelings on the subject until his Excellency had consented to their departure. I should, by doing so, merely place them in a false and painful position.

I concluded by assuring his Excellency that I would, through you, call the attention of Her Majesty's Government to the various causes of complaint he had considered himself justified in pointing out to me. I moreover undertook fully to inform you of the peculiar and critical position in which he now finds himself.

Paraguay has for many years past almost exclusively employed Englishmen. The medical service of its army is entrusted to 4 English surgeons and an English apothecary. The works in its arsenal are carried on by a small number of English draughtsmen and mechanics. English engineers have charge of its steamers. Its railway, many of its public buildings, and the formidable system of defensive works which has so long set at defiance the allied armies, have been constructed under the supervision of 3 English civil engineers. Finally, its mines are worked by an English mining engineer. It is mainly owing to the exertions of this handful of Englishmen that Paraguay, reduced to its own limited resources, has, under the direction of President Lopez, thus far been enabled to prolong the desperate struggle in which it has been engaged for upwards of two years. Hence the natural reluctance of his Excellency to part with men whose services are invaluable to him, and whom he cannot possibly hope to replace under present circumstances.

At a subsequent interview President Lopez said he would, in the absence of his Minister for Foreign Affairs at Asuncion, and on account of the difficulties of communicating with that capital, prefer that I should remain at his head-quarters; and he would therefore name his Secretary to treat with me officially. Should I persist in carrying out my instructions literally, he would be under the painful necessity of bringing the negotiations to an abrupt and disagreeable termination. However, if I would agree to be satisfied with the women and children, whom he was willing to give up on grounds of humanity, and represent to Her Majesty's Government that this was the only concession he was in a position to make at the present moment, he would most gladly consent to their departure, provided measures were taken to prevent their communicating to his adversaries any information which would be injurious to his cause.

I partially agreed to his terms, observing, however, that I could not take upon myself to guarantee that Her Majesty's Government would be satisfied with such a partial measure; but that of course it would materially lessen the unfavourable impression which an unconditional refusal would be certain to produce.

I have made up my mind to proceed with the greatest caution and moderation; and if eventually I find it impossible to obtain the release of those I have been commissioned to bring away, I will accept the compromise his Excellency has proposed, leaving it entirely open to Her Majesty's Government to take whatever further steps may be deemed most advisable to effect the deliverance of the British subjects who may still remain in Paraguay. With this object I will not hurry on the negotiations, as, although I shall thereby expose myself to some danger and great personal discomfort, I feel convinced my countrymen will be in comparative safety as long as I remain among them. Besides, President Lopez' position has become so precarious that, even should the allies not venture upon an attack, the position of affairs may be materially altered from one day to another.

In conclusion, I beg to transmit herewith, for your information, translation of a note which General Barrios, the Paraguayan Minister for War, has, by the President's orders, addressed to me for the purpose of informing me that Señor Luis Caminos, his Excellency's Secretary, has been officially appointed to treat with me.

G. B. Mathew, Esq.

G. F. GOULD.

(Inclosure 11.)—General Barrios to Mr. Gould.

(Translation.) Head-quarters, Paso Pucú, August 21, 1867.

THE Undersigned, Brigadier-General of the armies of the Republic, and Minister-Secretary of State for the Department of War and Marine, has the pleasure of addressing you, by order of his

Excellency the Marshal-President of the Republic and Commander-in-chief of its armies, to inform you that, in consequence of your request, his Excellency has authorized the citizen Luis Caminos to treat with you on the subject of the mission to the Republic with which Her Britannic Majesty's Government has entrusted you.

His Excellency the Marshal-President, being always disposed to facilitate as much as possible his relations with the Agents of friendly nations, has appointed Señor Caminos to receive and reply to the communications you may have to address to the Government of the Republic with regard to your mission, his object being to avoid that the actual state of the country should cause any delay in bringing to a conclusion the mission entrusted to you.

The distance from this to the capital of the Republic, and the state of the communications, which are less regular than in ordinary times, are the considerations which have induced his Excellency to appoint in this camp the person whom I have already mentioned.

G. F. Gould, Esq.

VICENTE BARRIOS.

(*Inclosure 12.*)—*Mr. Gould to Mr. Mathew.*

Head-quarters, Paraguayan Army, Paso Pucú,

(Extract.)

September 10, 1867.

ACTING upon the information conveyed to me in the note of General Barrios, the Minister for War and Marine, which forms an inclosure in my preceding despatch, I called upon Dr. Caminos, and, as he expressed the wish that our negotiations should be carried on in writing, I addressed to him on the 23rd ultimo the note, copy of which I have the honour to transmit herewith to you. In this communication I merely stated the object of my mission, and recorded the arguments I had brought forward in my previous conversations both with President Lopez and Señor Caminos. My principal reason for employing the French language, as you perceive, was that, though nominally corresponding with the latter, I was in reality addressing myself to the former, who speaks French fluently, while he seems to have but an imperfect knowledge of the English.

Before replying to the above note, the President expressed a desire to see me; but I was unfortunately prevented by illness from calling on his Excellency till the 28th ultimo, at night. In the presence of Señor Caminos he read over the note and kindly pointed out what he considered a grammatical error, which I at once gladly corrected. He then pressed me to make another more important alteration, which I did not feel myself at liberty to consent to; but I finally agreed to take back the note for re-consideration, in order to avoid what I feared might end in an unpleasant discussion, which I had every reason to be anxious to avoid.

His Excellency actually proposed to me so to alter the wording

of the note as to make it appear that the only object of Her Majesty's Government in sending the *Doterel* to Paraguay was to facilitate the departure of the few English women whom his Excellency felt disposed to give up.

I explained that although these women had undoubtedly a prior claim, and Her Majesty's Government would be grateful for the exception made in their favour, still it did not in any way invalidate the claim of the other British subjects in his dominions to the consideration of their Government. I would, however, take time to reflect on his proposal, but I feared I was so bound by your instructions as to preclude the possibility of my complying with it.

The next morning I handed back to Señor Caminos the note in question, after having substituted the words "et surtout" for "en outre" at the beginning of the sentence which refers specially to the English women in Paraguay.

I have the honour to forward herewith for your information the whole of the subsequent correspondence which passed on this subject. It consists of Señor Caminos' notes of the 23rd ultimo and 3rd and 9th instant, accompanied by translations, as well as of the replies I addressed to the first two on the 1st and 4th instant.

The only remarks I will venture to make with regard to Señor Caminos' note of the 23rd ultimo are that he avoids the main question; first, by speciously endeavouring to make it appear as if there were no British subjects in Paraguay desirous of leaving it; secondly, he does not think fit to give them an opportunity to express their wishes on the subject; thirdly, I regret to say he was perfectly aware at the time that several of them made no secret [of their wish] to quit Paraguay, though he was to a certain extent justified in asserting that none of them had officially applied for permission to leave; finally, he admits they would not in any case be permitted to take their departure.

I may as well, before proceeding any further, point out to you the peculiar position occupied by British subjects in this remote Republic. They are all, with one single exception, I believe, in the Government service. Their contracts were made in England, and afterwards renewed in this country, but most of those contracts have expired since the beginning of the present war. Thus many who might now desire to return home were not at liberty to do so when the *Doterel* last visited Asuncion. Her stay was but short, and the object of her presence was not generally known. These British subjects have in general been very well treated by the President, and their salaries are regularly paid even now. However, on the one hand, owing to the depreciation of the paper currency, in which they receive one-half of their wages, they have to submit to a loss of nearly 40 per cent.; while on the other hand they have to pay exor-

bitant prices for whatever they require, in consequence of the rigorous blockade, which has excluded Paraguay from the rest of the world for upwards of two years. Those employed in the arsenal, by working extra hours, may perhaps succeed in making up the above losses. President Lopez treats them very much as if they were a more valuable class of his own subjects, never consults their wishes, and employs them in any way that suits his purpose without their daring to offer the slightest objection. In this manner he may safely say he has never used compulsion towards them, as his wishes are no sooner conveyed to them than they are, in appearance at least, willingly complied with. On their side, the dread of incurring his displeasure is so great that they would hardly be likely to make any imprudent request, which would in all probability not be granted, and might entail upon them the most serious consequences.

Two of them lost their lives from scalds received in the engagement at Riachuelo, and a third died shortly after being released from an unjust confinement of several months, in consequence of presumed misconduct after that naval action. These men had been engaged to serve with others on board the Government steamers; but these were merely river passenger-boats, and it is a matter of doubt whether President Lopez was justified in taking them under fire without even giving them any notice.

The case of Mr. Henry Valpy is the most unjustifiable of any. This gentleman is a civil engineer, who came out specially from England with Mr. Burrell to make a railway. Mr. Valpy's contract, though once renewed, has long since expired, and the railway works are suspended in consequence of the war. This gentleman was indirectly asked to accept military service, but he had the strength of mind to refuse, and offered to give up his salary, as his services were no longer available. He was, however, induced by the President to continue drawing one-half of his pay, and since then he made himself as useful as he could in the capital. Ten or eleven months ago he was called to the Government House, and told to prepare to proceed to this camp. He objected, but was informed it was the President's order, and consequently he would have to go. On his arrival in camp, his Excellency presented him with a sword, and requested him to get a military uniform, although he gave his Excellency to understand he had conscientious scruples, which prevented him from accepting military service. He has hitherto resisted putting on a military uniform, and has only been employed in making surveys at a distance from the enemy's positions; but even so shells have exploded in his immediate neighbourhood. He is treated very much as a prisoner at large, and the President is so incensed at his passive resistance, and at his having, through me, privately expressed a desire to leave, that I have, with reason, the greatest fears for his

personal safety. The very fact of his often having been seen with me will, I apprehend, tell against him.

Dr. John Fox is also most anxious to retire. He is not bound by any contract, or even verbal engagement, and, moreover, he is in rather delicate health. I incidentally mentioned his name, without, however, compromising him.

Others would, I know, gladly do the same, but, fearing the consequences, wisely refrained from even expressing to me their ardent wishes on the subject. President Lopez, in an unguarded moment, acknowledged to me he considered he had a perfect right to treat Englishmen in his service (and he does not give them the option of retiring from it) just in the same way as he would his own subjects. The men in the arsenal for the most trivial offences are at once locked up or put on board the steamers, where they have very hard work, and are continually exposed to the fire of the Brazilian iron-clad squadron below Humaitá.

Such is the terror inspired by President Lopez that, fearing the information I had might be attributed to the unfortunate British subjects in the camp, I avoided, for their sakes, taking any notice of the case of a young English apothecary, who, for a slight breach of discipline, has been under arrest in the capital for the last 9 or 10 months. The position of British subjects in Paraguay was, up to the commencement of the present war, a very good one; but since then it has materially changed, as I believe I have succeeded in proving, and may yet, I fear, become still more precarious.

Señor Caminos, in his note of the 3rd instant, gives a long list of British subjects who, in addition to Dr. Barton, have left the country since the departure from Asuncion of Her Majesty's gun-boat *Doterel* in June, 1865. The real facts of the case are these:—Dr. Barton himself had the greatest difficulty in accomplishing his purpose, and was fully 3 months before he succeeded in doing so. Mr. J. Packingson and his wife had their passages engaged on board a vessel before the arrival of the *Doterel*, and were detained in the river 5 months under one pretext or another. The others were the supercargo and officers of a steamer called the *Flying Fish*, which was sold to the Paraguayan Government, with the express stipulation that her crew should be sent out of the country. Señor Caminos has, to the best of my belief, succeeded in naming all those who have left since that period, although he states he was unable to refer to the official lists of departures.

The difference which Señor Caminos complains of between what he understood me to say and the tenor of my note of the 1st September is, I trust you will find, satisfactorily disposed of in the subsequent note I addressed to him on the 4th of this month.

Finding it utterly hopeless to attain the object of my mission, I
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requested permission for those British subjects in this camp, who might like to retire to the capital, to be kindly allowed to do so. This very moderate request was likewise curtly rejected, as you will see from Señor Caminos' note of the 9th instant.

Although my mission, which was from the very first so beset with difficulties that I never entertained hopes of being able to bring it to a favourable conclusion, has only been partially successful, still I have the satisfaction of feeling that, without in any way compromising Her Majesty's Government, I have left no means untried of rescuing the British subjects in Paraguay from the painful position in which they find themselves in common with the citizens and subjects of all other nations, even of those who enjoy the advantage of having Representatives in the country itself. I have good reason to doubt if these Representatives themselves, in the present desperate straits in which President Lopez finds himself, would not meet with the greatest difficulties in getting out of Paraguay.

During my prolonged stay in this camp my unfortunate countrymen have happily been in comparative safety, although my position was both irksome in the extreme, and not altogether unattended with danger from various quarters. The whole camp is now more or less within the range of the enemy's guns, and President Lopez' violence is such that I was repeatedly warned to be most guarded in my intercourse with him.

The British subjects in the camp, the only ones I have had an opportunity of communicating with, all expressed their deep gratitude for the kind interest displayed in their welfare by Her Majesty's Government, and the hope they entertained that further steps would be taken for their deliverance.

President Lopez is also fully aware of the grave responsibility he has taken upon himself by refusing to comply with the just demands of Her Majesty's Government.

G. B. Mathew, Esq.

G. F. GOULD.

(Inclosure 13.)—*Mr. Gould to Señor Caminos.*

*Head-quarters, Paraguayan Army, Paso Pucú,
le 23 Août, 1867.*

M. LE SECRÉTAIRE,

ME rendant au désir que vous avez bien voulu m'exprimer, lorsque j'eus l'honneur de vous remettre personnellement hier après-midi la dépêche qui, tout en vous faisant connaître le but de la mission dont le Gouvernement de Sa Majesté a daigné me charger, m'accrédite auprès du Gouvernement de son Excellence M. le Président de la République pour les fins de la dite mission, je n'hésite point à consigner dans cette note les arguments que je me suis cru

en droit d'avancer, afin de ne laisser aucun doute sur la portée et l'importance de la démarche toute amicale à laquelle mon auguste Souveraine s'est décidée en m'envoyant, sur un de ses navires, à la République du Paraguay.

Le Gouvernement de Sa Majesté voulant faciliter à ceux des sujets Britanniques, actuellement établis en Paraguay, qui désiraient rentrer en Angleterre, les moyens de pouvoir le faire malgré les opérations de guerre qui, depuis plus de deux ans, malheureusement interrompent les communications entre les deux pays, s'est d'abord adressé au Chargé d'Affaires de la République à Londres. Il (mon Gouvernement) lui a, j'ai tout lieu de croire, exprimé l'espoir que, vu les relations amicales qui existent entre la Grande Bretagne et la République du Paraguay, aucun empêchement ne serait mis par les autorités Paraguayennes au libre départ de tous les sujets Britanniques qui voudraient profiter des facilités ainsi mises à leur disposition pour leur prompt rapatriement. Parmi eux il se trouve des gens dont les contrats avec le Gouvernement de la République ont depuis longtemps périmé, et qu'avec la justice qui le distingue, son Excellence M. le Maréchal Président ne serait que trop heureux de rendre à leurs familles dans le cas, bien entendu, qu'ils en fissent connaître le désir. En outre [Et surtout] il y a des femmes et des veuves d'Anglais chargées d'enfants qui ne doivent, pour des raisons aussi évidentes à vous, M. le Secrétaire, qu'à moi, continuer à rester sans but exposées aux périls de la guerre. J'oserais même ajouter, s'il y avait lieu,—mais je considère tout à fait superflu de la faire, vu le caractère si bien connu de son Excellence M. le Maréchal Président,—que les droits d'humanité réclament impérieusement qu'elles soient mises le plus tôt possible à l'abri de toute éventualité. Je suis convaincu que mon Gouvernement n'est animé que des sentiments les plus bienveillants envers le Gouvernement de son Excellence M. le Maréchal Président, et qu'à l'avenir il sera heureux d'entretenir avec la République des relations plus suivies et plus intimes que celles qui, par des circonstances hors de sa volonté, n'ont subsisté jusqu'ici.

Je ne puis cependant vous cacher, M. le Secrétaire, que dans le cas d'un refus,—un événement tout aussi imprévu par mon Gouvernement que par moi, depuis que j'ai eu l'occasion d'apprécier personnellement les vues élevées et le caractère plein de noblesse et de générosité de son Excellence M. le Maréchal Président,—il serait, on ne peut plus, péniblement impressionné, et se verrait obligé, malgré lui, de retirer les sympathies qu'il était, sans entrer nullement dans les causes de la guerre, tout prêt à accorder à une nation qui, sous l'habile direction de son Excellence M. le Maréchal Président, a su jusqu'ici si héroïquement se défendre. Je dois aussi vous rappeler, M. le Secrétaire, que sans nul doute le résultat de la mission qui

m'a été confiée aura un grand retentissement, non seulement en Angleterre, mais dans les autres pays qui s'intéressent au sort de la République.

Prenant en considération les circonstances toutes exceptionnelles où se trouve le Gouvernement de la République à cause de la guerre actuelle, et désirant faire preuve des sentiments qui m'animent, je suis tout disposé à faciliter les arrangements qui pourraient paraître les plus convenables à son Excellence M. le Maréchal Président par rapport au but de ma mission.

En terminant je suis très heureux de pouvoir constater que les sujets Britanniques avec lesquels je me suis trouvé en rapport depuis mon arrivée à ce quartier-général m'ont tous assuré qu'ils n'avaient qu'à se louer de la manière bienveillante dont ils ont été traités depuis qu'ils se trouvent sur le territoire de la République.

J'ai, &c.,

Señor Caminos.

G. F. GOULD.

(Inclosure 14.)—*Señor Caminos to Mr. Gould.*

(Translation.)

Head-quarters, Paso Pucú,

SIR,

August 31, 1867.

I HAVE the honour to acknowledge the receipt of the note you were pleased to address to me on the 23rd instant, and which having been withdrawn for the reconsideration of certain points, was returned to me on the 29th in the afternoon, stating that the object of the special mission with which you have been entrusted by the Legation of Her Britannic Majesty at Buenos Ayres is solely to request that the British residents in this country may be allowed to return home in spite of the military operations which, for upwards of two years, interrupt the communications between the two countries:—it being well understood, according to the tenor of the note which I have the honour of answering, that this request applies to those who, after fulfilling their contracts with the Government of the Republic, desire to take advantage of the means placed at their disposal by Her Britannic Majesty's Government, by embarking on board the man-of-war which conveyed you to the territory of the Republic; and more especially among the British subjects there are women and widows, who ought not, for reasons as evident to me as they are to you, to continue to remain needlessly exposed to the perils of war. You express the hope of Her Britannic Majesty's Government that the Paraguayan authorities will offer no impediment to the free departure of the British subjects who may desire to avail themselves of the facilities thus placed at their disposal for their speedy return to their homes. "I would even venture to add," you say, "if it were necessary,—but I deem it quite superfluous to do so, considering the well-known sentiments of his

Excellency the Marshal-President of the Republic,—that the rights of humanity render it imperative that they (the women) should as soon as possible be placed beyond the reach of all danger.”

After expressing your conviction that Her Britannic Majesty's Government is animated by no other but the most friendly feelings towards the Government of his Excellency the Marshal-President, and that in future it will be happy to maintain with the Republic of Paraguay more permanent and intimate relations than have, owing to circumstances beyond its control, hitherto existed, you declare that you cannot conceal from me that, in case of an unfavourable decision on the part of the Government of the Republic,—an event as unforeseen by your Government as by you,—it would make a most painful impression on the Queen's Government, which would find itself unwillingly compelled to withdraw the sympathies it was very much disposed to entertain.

With respect to the said note, I have received orders from his Excellency the Marshal-President of the Republic to reply to it, and I have great pleasure in thanking Her Britannic Majesty's Government for the conviction it entertained, that the Paraguayan authorities would offer no impediment to the departure of the British subjects, since the Paraguayan Government has always given proofs to Her Majesty's Government of this [disposition] by not raising the slightest obstacle to the free arrival in, and departure from, the Republic, of its subjects, not only in ordinary times, but likewise since the outbreak of the war during which the *Doterel* visited the port of Asuncion; and even after that period all the British subjects who wished, have freely continued, without distinction, to quit the Republic on board the neutral or war-vessels which have left our ports; and if at the present date there are others to be found in the country, it is that it has suited them to remain, and that they have not asked to leave.

I can assure you that, even now, the Government is not aware that any British subject has evinced any such wish, and the greater number of them being contracted in England by the Government, those whose contracts have expired, far from having been dismissed from the service, continue at their professional pursuits with the same or even higher salaries than formerly, although not a single one of them has been compelled to do so against his will.

My Government is therefore not aware that any individual finds himself in the position which forms the object of your mission, and this is so much the more agreeable as at this moment it would have been impossible to accede to your request, however painful such a refusal would have been, since the Ministry for Foreign Affairs has recently had to notify that the Government found itself under the necessity, owing to the position of the military operations, of not

permitting the departure from the country of any individual who is not in an official capacity.

From that date to this, those military operations have progressed still further, and the necessity of observing this rule has become still more imperative.

It is, doubtless, very probable that the 3 widows you allude to, two of them widows of British subjects, and one the widow of a Paraguayan citizen, who receive assistance from the Government without being in any way called upon to work, have not left the country for want of an opportunity to do so, may not wish to remain any longer away from their homes: his Excellency, in responding to this appeal of humanity, will be happy to avail himself of the opportunity offered by you, provided that, taking into consideration the actual state of affairs, your mission can be limited to this object, and that you will kindly explain the nature of the guarantees you offer.

If, unfortunately, this concession in favour of distressed widows and their children; the changes which have occurred in the course of the war since your instructions were framed in Europe; the constant protection which for many years the Government has extended to all British subjects, although there was no representative of Her Britannic Majesty in the country; the assurances which you say you have received on the part of all the British subjects whom you have met at these head-quarters, that they have every reason to be grateful for the kindness they have experienced ever since their arrival in the country; your own presence in this camp, and the exchange of this correspondence, when the Legation to which you belong has not yet been accredited to the Government of Paraguay, at a moment when the enemy of our country enlists British subjects among its troops, provides itself in England with all the war material it requires, and obtains money by public loans, in order to be enabled to carry on the war against the friendly people of Paraguay, —have not sufficient weight in the wise councils of Her Majesty the Queen, and alienate the sympathies of her Government, as you have stated, it would be very distressing to his Excellency the Marshal-President, but he will remain under the conviction that he has done all in his power to gain for Paraguay, whose heroic defence you yourself admit, not the sympathies, but, at least, the good friendship of England.

I have, &c.,

G. F. Gould, Esq.

LUIS CAMINOS.

(Inclosure 15.)—*Mr. Gould to Señor Caminos.*

M. LE SECRÉTAIRE,

Paso Pucú, le 1^{er} Septembre, 1867.

EN ayant l'honneur d'accuser réception de votre note en date

d'hier (31 Août), par laquelle vous voulez bien me communiquer la détermination que son Excellence M. le Maréchal Président a daigné prendre sur la demande que le Gouvernement de Sa Majesté la Reine m'a chargé d'adresser à celui de la République par rapport au rapatriement des sujets Britanniques qui se trouvent actuellement au Paraguay, c'est avec une bien vive satisfaction que je me plais à reconnaître les sentiments de bienveillance et de conciliation avec lesquels son Excellence a bien voulu accueillir cette démarche toute amicale, et qui ne pourront manquer, j'en suis convaincu, M. le Secrétaire, d'être appréciés par mon Gouvernement comme ils le méritent.

Je me ferai également un devoir de signaler au Gouvernement de Sa Majesté les circonstances toutes exceptionnelles où, à la suite des dernières opérations militaires, se trouve placé son Excellence M. le Maréchal Président, et je ne négligerai pas non plus d'appeler l'attention sérieuse du Principal Secrétaire d'État de Sa Majesté pour les Affaires Étrangères sur les ressources en fait d'argent, de matériel de guerre, et d'hommes que, d'après les renseignements qui seraient parvenus à son Excellence, les Puissances Alliées ne cesseraient de puiser dans le Royaume Uni, pour être employées contre la République, dont le Gouvernement se trouve dans des rapports de bonne intelligence et d'amitié avec celui de Sa Majesté.

Si les infractions à la stricte neutralité invariablement observée, en de pareilles circonstances, par le Gouvernement de Sa Majesté la Reine, dont vous vous plaignez, venaient à se vérifier, je ne puis douter un instant, M. le Secrétaire, qu'elles ont du être commises à son insu, et que dès qu'elles lui auront été signalées, il n'hésitera pas à y mettre fin.

Tout en remerciant, au nom de mon Gouvernement, son Excellence M. le Maréchal Président pour la permission qu'il a si obligeamment accordée à certaines veuves Anglaises de quitter le territoire de la République, je dois vous faire remarquer, M. le Secrétaire, que le refus, dont cette permission est malheureusement précédé, d'étendre cette mesure aux autres sujets de Sa Majesté dans le Paraguay, ne peut pas, je regrette de le dire, même trouver une justification dans les circonstances exceptionnelles que traverse la République, comme il me sera facile de vous le démontrer.

D'abord rien ne saurait justifier à une nation belligérante ni l'emploi forcé au service militaire des sujets d'une Puissance amie (ce que, je me hâte de constater, n'est jamais, à ce que je sâche, arrivé dans le cours de cette grande guerre), ni leur détention sur son territoire, du moment que leur départ ne porte aucune entrave aux opérations de guerre.

Cet usage entre nations se trouve consacré d'une manière incon-

testable dans le Décret de son Excellence M. le Maréchal Président, accordant aux sujets de la République de Bolivie, malgré l'état de guerre actuel, l'autorisation de passer et de repasser librement les frontières du Paraguay.

Mon Gouvernement, prévoyant les difficultés et inconvénients que pourrait présenter le passage d'un camp à l'autre des sujets Britanniques établis dans le Paraguay, a envoyé tout spécialement un navire de guerre pour les prendre à son bord et les transporter au-delà du théâtre de la guerre. De mon côté, je me suis offert dans ma note précédente à prendre toutes les mesures et à donner toutes les garanties qui pourraient dans les circonstances actuelles paraître les plus opportunes au Gouvernement de la République. Ainsi les sujets Britanniques en question pourraient sans difficulté être transportés directement du Paraguay en Angleterre, sans toucher le territoire des nations en guerre avec la République, ni même communiquer avec les sujets de ces mêmes nations.

Vous me faites observer, M. le Secrétaire, que lors du dernier séjour de la canonnière de Sa Majesté *Doterel* à l'Asuncion, aucun sujet Britannique n'a manifesté le désir de se retirer du Paraguay. J'en conviens avec vous, mais je me permettrai de vous rappeler que depuis cette époque plus de deux années se sont écoulées, que bien des contrats ont dû périmer dans ce long laps de temps, et qu'il ne serait pas impossible que quelques-uns du moins de ces mêmes sujets Britanniques aient changé d'avis. D'après le départ de la canonnière de Sa Majesté, le seul Anglais qui ait réussi à se rendre à l'étranger est, si je ne me trompe, le Dr. Barton ; car, à partir de ce moment, les difficultés qui s'opposaient déjà à la sortie des sujets de Sa Majesté du territoire Paraguayen se sont tellement aggravées qu'il aurait été tout à fait inutile qu'ils en manifestassent le désir au Gouvernement de la République. Je regrette d'avoir à ajouter que vous avez été induit en erreur, en pensant que parmi les sujets de Sa Majesté il ne se trouve aucun qui veuille profiter des facilités mises à leur disposition par mon Gouvernement pour rentrer chez eux, et je puis même vous assurer, M. le Secrétaire, que, dans le cas où l'autorisation préalable en fût gracieusement accordée par son Excellence M. le Maréchal Président, plusieurs d'entre eux l'accepteraient avec la plus vive reconnaissance.

Vous conviendrez donc avec moi, je n'en doute pas, M. le Secrétaire, que la notification de son Excellence M. le Ministre des Affaires Étrangères de la République, annonçant aux sujets d'autres nationalités qu'il leur est défendu de quitter le territoire du Paraguay ne peut s'appliquer d'aucune façon aux sujets de Sa Majesté la Reine, qui se sont trouvés dans une toute autre position du moment qu'un navire de guerre a été expressément envoyé pour les transporter, s'il le faut, directement dans leur patrie, et que leur

départ ne peut, par conséquent, apporter le moindre préjudice aux opérations de guerre qui se poursuivent actuellement.

À part les importantes considérations que j'ai eu l'honneur de vous soumettre dans cette note, M. le Secrétaire, et qui, je l'espère, feront modifier la résolution, défavorable aux vœux de mon Gouvernement, que le Gouvernement de la République s'était cru dans la nécessité d'adopter, je ne puis conclure sans faire encore un appel, en faveur de mes compatriotes, aux sentiments magnanimes et à la bonté d'âme de son Excellence M. le Maréchal Président, qui en étendant aux quelques sujets Britanniques qui désireraient rentrer dans le sein de leurs familles la permission qu'il a accordée aux veuves Anglaises, s'assurerait la profonde reconnaissance non-seulement de ma gracieuse Souveraine, mais de tout son peuple, dont son Excellence, mieux que tout autre, sait apprécier à leur juste valeur les sentiments et le caractère.

J'ai, &c.,

Señor Caminos.

G. F. GOULD.

(Inclosure 16.)—*Señor Caminos to Mr. Gould.*

(Translation.)

SIR,

Head-quarters, Paso Pucú, September 3, 1867.

I HAVE the honour to acknowledge the receipt of your note of the 1st instant (which was delivered to me yesterday), in reply to mine of the 31st ultimo.

I must not conceal from you the painful impression which the perusal of that communication caused me, all the more unexpected by me since the spirit and the terms of my note had been agreed to by you; and up to the date of the note I am replying to, you were kind enough to repeat in most obliging terms your entire satisfaction with that communication, giving me positive hopes that it would likewise be considered satisfactory by Her Britannic Majesty's Government.

However, what a difference there is to be found between your opinion expressed in such a categorical and energetic manner, and the tenor of your note of the 1st!

Permit me to remark that when I spoke incidentally to you of the want of neutrality on the part of Great Britain in favour of our enemies during the present struggle in which my country finds itself involved, I did not mean to raise a question, but merely to reply to a threat which you thought proper to make in your note of the 23rd ultimo, that in case your request was not complied with, Her Majesty's Government would withhold the sympathies which it was much inclined to feel towards Paraguay. I nevertheless thank you for the confidence you express that the British Government will cause an end to be put to such irregular proceedings.

You do not find that the exceptional position in which the

Republic is placed is any justification for not extending to British subjects the humane concession made in favour of 3 widows, to whom you specially refer in your before-mentioned note of the 23rd ultimo, and which it would be easy for you to prove, reminding me with that object of the Decree by which his Excellency the Marshal-President of the Republic has on the side of Upper Paraguay thrown open trade with the neighbouring Republic of Bolivia, with which he is entirely at peace. But should the terms of that Decree be of any use to British subjects, I can declare to you that they are in no way excluded from benefiting by it.

You are pleased to inform me that I have been misled in thinking that among Her Majesty's subjects there is no one who would wish to take advantage of the facilities for leaving now placed at their disposal, when there are many who would thankfully do so were the necessary permission granted. I have not pretended to say so; I merely stated that the Government was not aware of any such desire on the part of any one of them, and I should be grateful to you if you would let me know the names of those who find themselves in that position.

Neither have I asserted that when Her Britannic Majesty's gun-boat *Doterel* visited Asuncion, no British subject had expressed a desire to leave Paraguay, although facts lead me to believe that such is the case; but I must correct your impression that since that period, only Dr. Barton has succeeded in getting out of the country, which is not the case: for, without any difficulty, Messrs. James Packingson, Edward Raelly, George Stewart, John Hoggrer, James Hassen, and others whom I might name had I the list of departures, succeeded also [in leaving Paraguay]. Among these persons there are some whose travelling expenses were disbursed by the Government, which proves that you were led into a mistake when you said that Surgeon Barton was the only one who had succeeded in quitting the country.

In this manner, without any impediment on the part of the national authorities, the citizens and subjects of other friendly nations have been leaving Paraguay every time they have had an opportunity of doing so; and you see there was no just motive to prevent British subjects from leaving, nor, as you say, would it have been idle for them to have expressed the wish to leave the country until the late Ministerial notification to which I have called your attention.

His Excellency the Marshal-President is grieved that his gracious concession in favour of distressed widows and their children—far from having satisfied your demands—has only served as a basis for a discussion, which I ought not to have expected, judging from what had been previously agreed upon between us, before and after

the drawing up my note of the 31st ultimo ; but if they (the widows and their families) cannot avail themselves of this opportunity, you may rest assured that they will be as well provided for as they have been hitherto.

I have, &c.,

G. F. Gould, Esq.

LUIS CAMINOS.

(Inclosure 17.)—*Mr. Gould to Señor Caminos.*

M. LE SECRÉTAIRE,

Paso Pucú, le 4 Septembre, 1867.

EN réponse à votre note d'hier, qui ne m'a été remise qu'à 11 heures et demie du soir, et dans laquelle j'ai l'extrême regret de voir que son Excellence M. le Président, malgré les observations que j'ai cru de mon devoir de lui soumettre par votre entremise avec toute la déférence due à sa haute position, persiste à considérer qu'il ne lui est pas permis de faire, en faveur des sujets de Sa Majesté la Reine, une exception à la position où se trouvent aujourd'hui tous les étrangers dans le Paraguay, à part les citoyens de la République limitrophe de Bolivie, par suite d'une notification ministérielle leur imposant la défense de sortir du territoire de la République, je me bornerai à essayer de relever le sens de certains passages dans mes notes du 23 Août et 1^{er} Septembre qui n'auront peut-être pas été aussi clairs que je l'aurais désiré.

J'ai donc l'honneur de vous prier de croire, M. le Secrétaire, que la phrase dans ma note du 23 Août que vous voulez bien interpréter comme une menace ne l'est nullement, puisque, en m'exprimant comme je me suis permis de le faire, je n'ai eu uniquement en vue que de vous prévenir que le Gouvernement de Sa Majesté avait entière confiance que sa démarche toute amicale auprès de son Excellence M. le Président ne pourrait qu'être accueillie favorablement, comme il avait tout lieu d'espérer, et que par conséquent un refus de la part de son Excellence lui serait d'autant plus pénible qu'il serait inattendu.

Le Gouvernement de Sa Majesté s'est lui-même exprimé dans ce sens à M. le Chargé d'Affaires de la République à Londres, comme il conste dans les instructions dont j'ai l'honneur d'être muni.

Vous passez ensuite à vous plaindre de la différence qui, à ce qu'il vous paraîtrait, M. le Secrétaire, existe entre mes déclarations verbales et la teneur de mes notes du 1^{er} Septembre.

C'est avec un vrai regret que je m'aperçois que j'ai si mal réussi, malgré tous mes efforts sincères, à vous démontrer que je désirais faire accorder autant que possible mon devoir envers mon Gouvernement avec les concessions dues aux circonstances exceptionnelles où se trouve la République, et vous voudrez bien par conséquent, M. le Secrétaire, me permettre de vous offrir quelques mots d'explication sur cette différence apparente entre mes déclarations verbales et ma dernière note.

Dans la démarche de mon Gouvernement il est nécessaire de ne pas oublier qu'il ne s'agit point d'une convenance, mais d'un principe dont il ne faut pas se cacher l'importance générale. Or, mon Gouvernement, en me transmettant ses instructions, n'a pas spécifié une catégorie en particulier de ses sujets à l'exclusion de toutes les autres, mais a bien voulu étendre à tous ses sujets dans le Paraguay les avantages que pourrait leur procurer l'envoi d'un de ses navires de guerre. Vous conviendrez donc avec moi, M. le Secrétaire, que, quoique j'acceptasse avec une vive reconnaissance des mains de son Excellence le Maréchal Président une offre dictée par des motifs d'humanité, mes instructions ne me permettaient guère de passer sous silence le refus d'une demande basée sur un droit universellement reconnu jusqu'à ce jour.

Ne pouvant, comme vous le savez mieux que moi, me prévaloir de la permission que vous avez l'extrême bonté de m'offrir, de permettre aux sujets Britanniques de se retirer du Paraguay par la frontière du Nord, je considère qu'il est superflu de s'y arrêter davantage—cette permission étant à peu près illusoire.

Quant à l'incident que M. Barton ne soit pas le seul Anglais qui ait réussi à se rendre à l'étranger après le départ de la canonnière de Sa Majesté *Doterel*, j'avoue que, faute de renseignement précis et officiel comme vous devez en posséder, je me suis sans doute trompé ; mais il n'en reste pas moins patent que depuis deux ans aucun sujet Britannique n'a pu quitter le Paraguay, malgré tout le bon vouloir du Gouvernement de la République, que je ne me permettrai nullement de révoquer en doute.

En conclusion, je ne puis que vous assurer que je ne manquerai pas d'informer exactement le Gouvernement de Sa Majesté de toutes les difficultés qui ont pu mettre son Excellence M. le Président dans la fâcheuse nécessité de devoir décliner la demande que mon Gouvernement a jugé à propos de lui adresser par mon entremise, et, mettant de côté toute question de droit, j'en appelle directement aux sentiments d'humanité de son Excellence de daigner permettre (comme il l'a offert d'abord de plein gré) aux 3 veuves Anglaises et leurs familles, mentionnées dans vos deux dernières notes, de s'embarquer sur la canonnière de Sa Majesté qui m'a amené. Cette concession gracieuse et spontanée de son Excellence serait de beaucoup rehaussé aux yeux de mon Gouvernement si son Excellence, avec la bonté de cœur qui le distingue, permettrait en même temps à tous les sujets de Sa Majesté actuellement dans ce camp de se retirer, s'ils le voulaient, à la capitale de la République jusqu'à la fin de cette guerre.

Dans le cas où son Excellence M. le Président daignât accéder à la prière que je viens de lui adresser, je ne serai que trop heureux de prolonger mon séjour à ce quartier-général tout le temps nécessaire ;

autrement, M. le Secrétaire, je devrais vous prier de vouloir bien me faciliter les moyens de me rembarquer, afin que je puisse sans plus de délai rendre compte à mon Gouvernement du résultat de ma mission.

J'ai, &c.,

Señor Caminos.

G. F. GOULD.

(Inclosure 18.)—*Señor Caminos to Mr. Gould.*

(Translation.)

SIR, *Head-quarters, Paso Pucú, September 9, 1867.*

I HAVE the honour to acknowledge the receipt of the note which, under date of the 4th instant, you were pleased to address to me in answer to mine of the 3rd, and in which you express your regret to see that, in spite of the observations you considered it your duty to address through me to his Excellency the Marshal-President of the Republic, he persists in considering that he is unable to make an exception in favour of Her Britannic Majesty's subjects, with regard to the position in which all foreigners in Paraguay are now placed, except the citizens of the neighbouring Republic of Bolivia, and confine yourself to re-establishing the sense of certain passages in your former notes, and give me some explanations respecting the difference which I observed with regret between your verbal assurances and your note of the 1st of September.

In reply, I must state that, as you have accepted the humane concession of his Excellency the Marshal-President in favour of the English widows and their families, they have been brought from Asuncion to this camp, and are ready to be embarked on board Her Britannic Majesty's gun-boat *Doterel*. The necessary facilities will be placed at your disposal whenever you may wish to name a day for your departure.

As regards the request you have thought proper to make, relative to the British subjects who are now in this camp, and whose number does not amount to half-a-dozen, I can only say they are voluntarily employed, either as surgeons or as engineers.

Having thus complied with your request, I fulfil the duty of expressing to you my thanks for the friendly sentiments ("conceptos") you have manifested towards his Excellency the Marshal-President of the Republic, and for the offer you have kindly made to represent faithfully to Her Britannic Majesty's Government the very exceptional circumstances which have placed his Excellency in the painful but imperative necessity of not acceding to the demand which you were desired to address to the Government of the Republic.

I will not conclude without again expressing the hope that, taking into consideration the just motives of the refusal, it will be

ratified, not only by the wisdom of Her Majesty's Council, but also by the impartial and upright judgment of her enlightened people.

I have, &c.,

G. F. Gould, Esq.

LUIS CAMINOS.

(Inclosure 19.)—Mr. Gould to Mr. Mathew.

Head-quarters, Paraguayan Army, Paso Pucú,

(Extract.)

September 15, 1867.

WITH reference to my despatch of the 10th instant, reporting the negotiations I have carried on by your instructions to obtain the release of the British subjects forcibly detained in Paraguay by President Lopez, I have the honour to transmit herewith:

1st. A list of the British widows and their families whom the Government of Paraguay has agreed to give up.

2nd. A list of the British subjects still remaining in Paraguay.

3rd. A list of the British subjects who have died in Paraguay since the commencement of the present war.

With regard to the above-mentioned widows, I have been compelled to take the engagement that they will be conveyed direct to England, and not allowed to land either in the River Plate or in Brazil. Two of them, Mrs. Trudgeon and Mrs. Ramos, state they are in distressed circumstances.

Many of the British subjects named in the second list are, I am positively assured, most anxious to leave Paraguay, and no longer bound by any contract with the Government.

Drs. Fox, Stewart, and Skinner, and Messrs. Thompson and Valpy, are the only British subjects retained in this camp at the present moment. I have provided them with certificates of British nationality, as they were without passports. I have likewise handed in to the Marquis of Caxias a list with their names, and he has kindly promised, in case of an attack, to take special measures for their protection. I will request Commander Michell to send a few medical comforts for their exclusive use from Her Majesty's gun-boat *Doterel*, the cost of which I trust I may be permitted to include in the expenses of my mission. I have warned Señor Caminos that the President has by his refusal assumed a great responsibility, and that I believe Her Majesty's Government will hold him accountable for whatever may happen to the British subjects he has thus unwarrantably detained.

I deeply regret not having been able fully to carry out the instructions of Her Majesty's Government on account of the many and great difficulties I have had to contend with.

I have no serious apprehension for the safety of the British subjects in the capital, who are, however, alarmed and have begged

of me to request you to send up one of Her Majesty's vessels for their protection as soon as circumstances permit. They are in the same position as the French and American subjects and citizens, to whose Representatives the Paraguayan Government have likewise addressed a similar refusal.

G. B. Mathew, Esq.

G. F. GOULD.

(Inclosure 20.)—*List of British Widows whom the Government of Paraguay have consented to give up.*

MRS. GRANT and one child; Mrs. John Trudgeon and one grown-up daughter; Mrs. Ramos, two children and one infant.

(Inclosure 21.)—*List of the British Subjects still remaining in Paraguay.*

DR. STEWART, wife and 3 children; Dr. Skinner; Dr. Fox; Dr. Rhind and wife; Mr. Mastermann, apothecary; Mr. Valpy, C.E.; Mr. Burrell, C.E.; Mr. Thompson, C.E.; Mr. Thwyte; Mr. Marshall; Mr. Hunter; Mr. Nesbitt, wife and two children; Mr. Taylor, wife and 4 children; Mr. Moynihau, wife and two children; Mr. Eden and wife; Mr. Thomas, wife and two children; Mr. John Cambidge and 4 children; Mr. James Cambidge, wife and one child; Mr. McCulloch, wife and one child; Mr. Wright and two children; Mr. Watts and one child; Mr. Laing; Mr. George Thompson; Mr. Hitchinbotham; Mr. Westgarth; Mr. Therby; Mr. Smith; Mr. Pattison; Mr. Martin; Mr. Porter; Mr. Busby; Mr. Thind; Mr. Tranter; Mr. Lumsden; Mr. Goring; Mr. Naylor; Mr. Baxter; Mr. John Trudgeon; Mr. Crane and child; Mr. Retalick, wife and two children; Mr. Miles and Mr. Foster, prisoners of war; Mrs. Cuttler and two children; Jessie and William Charters, Ellster and George Smyth, orphans, supported partly by Paraguayan Government and partly by British residents; Mr. Schutt, wife and child, supposed to be a British subject, or a naturalized British subject; Mr. Stark, wife and family.

(Inclosure 22.)—*List of British Subjects who have Died since the commencement of the present War.*

MR. WHYTEHEAD; Mr. Grant and infant son; Mr. George Moore, engineer; Mr. Francis Spivey and wife; Mr. William Charters and wife; Mr. William Smythe; Mr. John Trudgeon; Mr. George Gibson; Mr. John Maggs; Mr. Alfred Howgate; Mrs. Newton; Mr. Watts and son; Mrs. Wright and son; Mrs. Cambidge; Mr. Walmsley and wife; Mr. McGregor, coppersmith; Mr. Rogers, boilermaker; two children of Mrs. Nesbitt; one child of Mrs.

Taylor; Mr. Garten; Mr. Cuttler, supposed to have been recently killed; Messrs. Gibson and Thompson were either killed or taken prisoners at the action of the Riachuelo.

(Inclosure 23.)—*Mr. Gould to Mr. Mathew.*

(Extract.)

Doterel, *Curuzu*, September 16, 1867.

I HAVE the honour to inclose for your information the copy of a note I addressed yesterday morning to Señor Caminos, requesting him to have the goodness to make the preconcerted signal for Her Majesty's gun-boat *Doterel* to proceed as soon as possible to Curupaity to receive me on board. I was led to take this decisive step as I no longer saw any advantage whatever in prolonging my stay in President Lopez' camp. The state of my health was also such as to necessitate an immediate change of air, and to cause serious alarm to the English medical men in the camp, from whom, at considerable risk to themselves, I experienced the greatest kindness.

To my surprise late in the afternoon, Lieutenant-Commander Michell suddenly appeared, accompanied by three of the President's aides-de-camp. He informed me he had been spending an hour alone with his Excellency, who had treated him with the most marked kindness and condescension, and made many inquiries about what was passing outside his camp. This was the first notice I received of the arrival of the gun-boat, although Curupaity is in telegraphic communication with the Paso Pucú. When Commander Michell had left me to return to the head-quarters, a horse was brought up by a soldier, but I refused to leave until the President should have signified in a becoming manner that I was at liberty to re-embark. Shortly afterwards two of his officers were sent to accompany me, and I then proceeded to Curupaity, where I was detained fully an hour waiting for Commander Michell and his party.

While there one or two shells were fired in that direction by the Brazilian iron-clads below Humaitá. Commander Michell was, I believe, covered with sand by the explosion of one of them. This mistake, unintentional on the part of the Brazilians, can only be attributed to the British ensign having for some reason or other been lowered by the Paraguayans from the flag-staff at Curupaity long before Commander Michell and I re-embarked. Owing to all these delays night had closed in before Her Majesty's gun-boat was able to return to her former position in the rear of the Brazilian squadron off Curuzu.

I lost no time in proceeding on board the Commodore's ship in order to give a copy of President Lopez' note with regard to the

proposals of peace, which I had communicated to the allied Commanders-in-chief.

G. B. Mathew, Esq.

G. F. GOULD.

(*Inclosure 24.*)—*Mr. Gould to Señor Caminos.*

Quartier-Général de l'Armée de Paraguay, Paso Pucú,

M. LE SECRÉTAIRE, *le 14 Septembre, 1867.*

LA canonnière de Sa Majesté *Doterel* étant arrivée, ou sur le point d'arriver, à Curuzú pour me prendre à son bord, aussi que les 3 veuves Anglaises et leurs familles au départ desquelles son Excellence M. le Maréchal Président a bien voulu consentir, je vous prie, M. le Secrétaire, d'avoir l'obligeance de me prévenir lorsqu'elle sera arrivée, et de faire prendre les mesures nécessaires afin que je puisse m'embarquer sans plus de perte de temps. J'ai, &c.,

Señor Caminos.

G. F. GOULD.

(*Inclosure 25.*)—*Mr. Gould to Mr. Mathew.*

SIR, *Buenos Ayres, October 2, 1867.*

I HAVE the honour to report that, in accordance with the engagement I had entered into with the Paraguayan Government, Her Majesty's gun-boat *Doterel* left Curuzú on the 16th in the morning with the women and children mentioned in my despatch of the 15th ultimo. Lieutenant - Commander Michell kindly accommodated them on deck as well as the very limited space at his disposal would permit.

On the following day the *Doterel* unfortunately grounded. She got off the next morning, but before long she struck on another sand-bank. After 48 hours of the most strenuous and unremitting exertions on the part of Commander Michell, the officers and crew, in addition to the assistance rendered on two different occasions by passing steamers, it was found that she had hardly moved from her original position, and that the sand had, owing to the action of the current, accumulated to such an extent that there were barely 5 or 6 inches of water on one side of her.

Lieutenant-Commander Michell then represented to me that he was already short of fresh provisions, and would not be able to procure any, as we were lying at a great distance from any town. The ship's stores were also nearly exhausted, owing to the length of the voyage. Moreover, he entertained serious doubts of being able to get the vessel off for some time at least, and advised me to place the women and children on board the first vessel that passed on her way down the river. Dr. Johnson, the assistant-surgeon of the *Doterel*, likewise recommended their immediate removal, on the ground that they would be very much exposed on deck in case of bad weather,

and informed me several of them were at the time under medical treatment.

Under these circumstances I had reluctantly to take upon myself the responsibility of breaking through the engagement previously referred to in this despatch, and I accepted the kind offer of Captain José Manuel Picango da Costa, the commander of the Imperial Brazilian troop-ship *Wassimon*, to carry me and the other British subjects to Monte Video, where he expected to arrive on the 24th ultimo.

Although Captain da Costa had a number of sick and wounded on board, he stood by the *Doterel* a whole day, and made several ineffectual efforts to tow her off.

Her Majesty's gun-boat is, I regret to repeat, very ill adapted for the navigation of the Paraná, and totally unprovided with the necessary appliances for getting off the innumerable shifting sand-banks to be met throughout its course, as I have unfortunately had ample opportunities of observing.

Owing, however, to a further detention of upwards of 3 days on another sand-bank, and to a severe gale of wind, which forced Captain da Costa to anchor off the Island of Martin Garcia for 24 hours, I only reached Monte Video on the 29th in the evening, just as the mail-packet for England was steaming out of that port.

I have, &c.,

G. B. Mathew, Esq.

G. F. GOULD.

Lord Stanley to Mr. Mathew.

SIR,

Foreign Office, November 20, 1867.

I HAVE received your despatch of the 10th ultimo, reporting the failure of Mr. Gould's endeavours to obtain permission for British subjects in Paraguay to leave the country; and I have to instruct you to convey to Mr. Gould my approval of the manner in which he executed the duty entrusted to him in this respect.

I am, &c.,

G. B. Mathew, Esq.

STANLEY.

Mr. Lettsom to Lord Stanley.—(Received December 5.)

MY LORD,

Monte Video, October 3, 1867.

ON the evening of the 29th of September, Mr. Gould, Her Majesty's Secretary of Legation at Buenos Ayres, arrived here in the Brazilian frigate *Wassimon*, on board of which vessel were the English women and their children whom he had brought down from Paraguay.

As soon as Mr. Gould made me acquainted with their arrival, I addressed to Captain Fellowes, the Senior Officer, the note of which a copy is inclosed.

I have the honour to inclose a copy of the answer of Captain

Fellowes, from which it will be seen that the women and their children were landed on the following morning.

Mr. Gould having informed me that the commander of the *Wassimon*, Captain José Manuel Picanço da Costa, had behaved in the most kind and considerate manner to the females in question and to himself, I held it to be proper to go on board the *Wassimon*, to thank that officer for his attentions.

I accordingly paid him an official visit, accompanied by Mr. Gould.

Captain José Manuel Picanço da Costa was not on board his frigate; I, however, saw the officer in command, to whom I explained the object of my visit.

Captain da Costa called on me the next day to thank me for the manner in which, in the name of Her Majesty's Government, I had recognized his services, which, he added, he had only been too happy to afford.

It is extremely grateful to me to observe how highly even my thanks were appreciated by the Brazilian commander, thus confirming my conviction that such expressions tend most materially to the maintenance of good feeling.

I have, &c.,

Lord Stanley.

W. G. LETTSOM.

(Inclosure 1.)—*Mr. Lettsom to Captain Fellowes.*

SIR, Monte Video, September 29, 1867.

I HAVE the honour to request you to let the bearer, Mr. Gould, Her Majesty's Secretary of Legation at Buenos Ayres, have the boats that are necessary to bring on shore from the Brazilian transport that arrived this evening, the 3 English women and their children whom he has brought down from Paraguay.

I have, &c.,

Captain Fellowes.

W. G. LETTSOM.

(Inclosure 2.)—*Captain Fellowes to Mr. Lettsom.*

SIR, Dryad, Monte Video, September 30, 1867.

I HAVE the honour to acknowledge the receipt of your letter of the 29th instant, requesting me to let Mr. Gould, Her Majesty's Secretary of Legation at Buenos Ayres, have boats to land English women and children, and I have to inform you that your request has been complied with.

I have, &c.,

W. G. Lettsom, Esq.

T. H. B. FELLOWES.

Lord Stanley to Mr. Pakenham.

SIR, Foreign Office, December 6, 1867.

HER Majesty's Chargé d'Affaires to the Republic of Uruguay

has reported to me the arrival of Mr. Gould at Monte Video, in the Brazilian frigate *Wassimon*, as well as of the English women and children whom he had brought down from Paraguay; and I have to instruct you to convey to the Brazilian Government the thanks of that of Her Majesty for the kindness shown to those poor people by the commander of the Brazilian frigate. I am, &c.,

Hon. F. J. Pakenham.

STANLEY.

Mr. Mathew to Lord Stanley.—(Received December 20.)

(Extract.)

Buenos Ayres, November 12, 1867.

AFTER I had transmitted to your Lordship on the 10th ultimo Mr. Gould's account of the position of Her Majesty's subjects in Paraguay, I received a distressing communication from a brother of Dr. Stewart.

Although I was convinced that no measures could be adopted to vindicate the rights of neutrals, so grossly violated by President Lopez in their case, I deemed it right to take the opinion of the Admiral commanding Her Majesty's forces on this station, who had meanwhile arrived at Monte Video, and I informed him at the same time that I wished to send up one of Her Majesty's gun-boats to Curupaity, which might at least, I conceived, when thus within sight of the Paraguayan outposts, give them some kind of moral protection, and afford a safe refuge to any who might find the means of escaping at a moment of peril from the camp.

As late events appear to render any danger to which British subjects there may be exposed more imminent, I have decided, after much consideration, on addressing a further, though guarded, note to Señor Berges, the Paraguayan Minister for Foreign Affairs.

I find that Señor Berges has recently answered a despatch from M. Noel, the Minister of France, who is in the same position as I am with respect to his letters of credence, and I apprehend therefore, that he cannot refuse to accept my communications, on the ground of their non-presentation, as he intimated to Mr. Gould, especially if conveyed in a formal manner.

I venture to entertain the hope that, under the peculiar circumstances of the case, this course will meet your Lordship's approval.

Lord Stanley.

GEORGE BUCKLEY MATHEW.

Mr. Hammond to the Secretary to the Admiralty.

SIR,

Foreign Office, December 21, 1867.

I AM directed by Lord Stanley to transmit to you a despatch from Her Majesty's Minister at Buenos Ayres, reporting the circumstances under which he requested the Admiral commanding Her Majesty's naval forces on that station to send one of Her

Majesty's gun-boats to Curupaity; and I am to request that, in laying Mr. Mathew's despatch before the Lords Commissioners of the Admiralty for their consideration, you will direct the attention of their Lordships to the position of British subjects in Paraguay.

I am, &c.,

W. G. Romaine, Esq.

E. HAMMOND.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. Dec. 23.)
SIR, *Admiralty, December 23, 1867.*

WITH reference to your letter of the 21st instant, drawing attention to the position of British subjects in Paraguay, and a requisition made by Her Majesty's Minister at Buenos Ayres for one of Her Majesty's gun-boats to be sent to Curupaity, I am commanded by my Lords Commissioners of the Admiralty to send you herewith, for the information of Lord Stanley, a copy of a letter from Rear-Admiral Ramsay, dated the 26th October, with its inclosures in original, pointing out the difficulties and expense attending the sending a gun-boat up the Paraguay.

Although my Lords consider that the passage-steamers might be used for the purpose of communicating with Paraguay, as the gun-boats are not adapted for the purpose, directions will be sent to Rear-Admiral Ramsay by the French mail of this evening, to send a gun-boat to Curupaity as requested.

I am, &c.,

Rt. Hon. E. Hammond.

W. G. ROMAINE.

Mr. Mathew to Lord Stanley.—(Received January 14, 1868.)
MY LORD, *Buenos Ayres, November 25, 1867.*

I HAVE the honour to inclose the copy of a letter I have addressed to the Minister for Foreign Affairs of the Republic of Paraguay, in pursuance of the intention communicated to your Lordship by my despatch of the 12th instant.

M. Ugarte informs me that the Vice-President will request General Mitre to transmit my letter to the Paraguayan camp by a flag of truce.

No further occurrences of importance have been reported from the seat of war since the departure of the last mail for Europe.

President Lopez is, however, stated to have withdrawn his diminished forces within his second line of entrenchments, and the information derived from deserters leads to the belief that he intends to endeavour to escape from his present position either by means of another sudden attack upon some point of the allied lines, or by crossing the river opposite Humaitá, and making his way through

the wilderness of the Chaco until enabled to recross and to gain the road to Asuncion. I have, &c.,

Lord Stanley.

GEORGE BUCKLEY MATHEW.

(*Inclosure.*)—*Mr. Mathew to Señor Berges.*

M. LE MINISTRE,

Buenos Ayres, November 18, 1867.

I INSTRUCTED Mr. Gould, on his departure for Paraguay, to request your Excellency would convey to his Excellency the President the expression of my regret that the lamentable state of war still existing compelled me, like my colleague the Minister of France, to delay to present to his Excellency the letter of the Queen my Sovereign, accrediting me to be Her Majesty's Plenipotentiary to the Republic of Paraguay.

I felt nevertheless assured that the mission with which Mr. Gould was charged by the special commands of Her Majesty's Government (who have, I believe, freely communicated with the Chargé d'Affaires of the Republic in England) would insure him a suitable reception, and I could not doubt that the request of which he was the bearer would have been readily acceded to by his Excellency the President.

It was, therefore, with sentiments of profound regret that I have found myself under the necessity of informing Her Majesty's Secretary of State for Foreign Affairs that his Excellency the President of Paraguay has refused to permit the British subjects who might desire to leave that country to embark in the vessel sent for their reception, and has rejected the subsequent application that Mr. Gould was led, by the friendly desire of preventing the present complications, to make, that those among them who were in the Paraguayan camp should be allowed to retire to Asuncion.

This intimation will be received with painful surprise by Her Majesty's Government.

I cannot, however, M. le Ministre, but entertain the belief that some misconception has existed both with regard to the nature of the application addressed by my Government to the Government of Paraguay, and to the position of British subjects in that country; and I am, therefore, induced to beg your Excellency will bring the subject again to the serious consideration of his Excellency the President.

The detention of British subjects would be, under the circumstances existing, a clear violation of international comity, and of the rights of neutrals as recognized by all nations. His Excellency the President and his Government would further render themselves responsible for their safety and for all injury caused by the compulsion practised towards them. I feel, therefore, persuaded that his Excellency the President will, upon a more explanatory representation of the matter, be led, by his regard for the comity of nations

and by his high sense of justice, to remove any of Her Majesty's subjects now in his Excellency's camp or fleet from the scene of war, and afford to all of them who may desire to leave Paraguay such facilities as they may need for that object.

I avail, &c.,

Señor Berges.

GEORGE BUCKLEY MATHEW.

Lord Stanley to Mr. Mathew.

SIR,

Foreign Office, January 17, 1868.

I HAVE to state to you that I approve the letter, copy of which is inclosed in your despatch of the 25th of November, which you have addressed to the Paraguayan Minister for Foreign Affairs on the subject of the position of British subjects in that Republic, and the refusal of the President to allow them to leave that country.

I am, &c.,

G. B. Mathew, Esq.

STANLEY.

Lord Stanley to Mr. Gould.

SIR,

Foreign Office, February 26, 1868.

THE Paraguayan Chargé d'Affaires called upon me a few days ago, to present a letter from his Government accrediting him in that capacity; and I took the opportunity of his visit to request him to call the serious attention of his Government to the continued detention against their will in Paraguay of numerous British subjects.

I am, &c.,

G. F. Gould, Esq.

STANLEY.

Señor Benitez to Lord Stanley.—(Received March 20.)

(Translation.)

MY LORD,

Paraguayan Legation, Paris, March 18, 1868.

THE perusal of the correspondence lately presented to Parliament by Her Britannic Majesty's Government has suggested to me some reflections which I have the honour to submit to your Excellency's favourable consideration, in furtherance of the aim most recommended to me by my Government—that of losing no opportunity of taking any step that may tend to draw closer and closer its friendly relations with Her Majesty's Government, so worthily represented by your Excellency.

The importance which is attributed in the aforesaid correspondence to the advantage which Paraguay may receive under these circumstances from the professional services of the English subjects resident there from before the war leads to this conclusion: that if Paraguay is suddenly deprived of that element, the means for her defence will have to suffer grave detriment. The downfall of Paraguay, by the indirect aid of that and other causes, produced

without the least hostile intention, as is well understood, on the part of a neutral and friendly Government, might appear as one of the desired solutions of that war which so much affects the interests of the neutrals. But I think, my Lord, knowing the means of my country, that that mode of solution would have more inconveniences than another already recommended, by the result with which it has been more than once employed by Her Britannic Majesty's Government for the pacification of the States of the River Plate.

Three years have passed away since the worthy Mr. Thornton announced, in notes which Parliament has seen, the easy and immediate conclusion of that war. Six months have now elapsed since the worthy Mr. Gould wrote his Memorandum of the 10th of September in Paraguay upon the state of the operations, in which he considered the downfall of Marshal Lopez to be imminent.

I fear, my Lord, that announcements of that kind, founded on the misfortune that my country suffers of not being known even by her neighbours, may be renewed more than once with the same result, if, as I firmly expect, the Allies see the failure of their hopes of assistance that might be indirectly brought to them by an English dispute, which happily does not, and never will, exist, for want of cause and ground to produce it.

With this persuasion, and considering the well-founded anxiety which the prolongation of the war produces in the commerce of all the neutrals, I do myself the honour of calling your Excellency's attention to the means of solution which perhaps might be employed this time by diplomacy, and probably with the same success as it has more than once been employed by Her Britannic Majesty's Government in the River Plate. This means would consist in influencing Brazil by counsels of abstinence and reserve, which Her Britannic Majesty's Government has the right to give by virtue of the Treaties of 1827, concluded by its mediation, under which Brazil abandoned her traditional aims of annexation and dominion over the countries of the Plate, and consented to the erection of the Oriental State, whose independence has been, and is still, invoked as the best guarantee for the free navigation of the affluents of the Plate against the monopolizing aspirations of Buenos Ayres and Brazil. And as Paraguay has required nothing else of Brazil, in her ultimatum of the 30th of August, 1864 (of which I beg to send your Excellency a copy inclosed), than respect for the Oriental State, and the non-occupation thereof by the Brazilian army, the independence of that State being the key of security for that of Paraguay itself, England would see all the exigencies of justice fulfilled, and all the interests of free trade in those regions subserved, by simply obtaining what she got before from Brazil by her powerful representations in 1827 and 1856; that is, that Brazil withdraw her armies from the countries of

the Plate upon honourable conditions, which Paraguay would never reject, provided the honour were reciprocal.

A simple examination of the Secret Treaty of Alliance of the 1st of May, 1865,* which Her Britannic Majesty's Government has made known to Parliament, shows that the present war is, by its aims and objects confessed in that document, a virtual derogation of the Treaties of 1827, and of the repeated declarations of Brazil that she had no territorial aims in the countries of the Plate.

Paraguay, my Lord, wants nothing else in this war than respect for and the stability of a fact which owes its existence to the liberal inspiration of England, and that is, the independence of the eastern side of the Plate against the ambitious designs, formerly adverse to each other, but now in alliance, of Buenos Ayres and Rio de Janeiro, upon that margin of the mouth of the Plate which is the key to the direct commerce between inner America and the commercial Powers of Europe and the world.

I believe, my Lord, that I may add that this mode of solution would be as tranquillizing and agreeable for the generality of the South American Republics as that would be painful to them which the Allies perhaps would only wish to see put in practice, for the production of nothing else, as a final result, than the indirect re-establishment of the fluvial closure of the affluents of the Plate, by the hand most interested in removing the obstacles.

It is not difficult to believe, my Lord, that the Allies desire, and even seek now-a-days, a mediation of the neutral Powers which may give them the means of getting out of their desperate position with a good grace; but it is to be feared that they seek by the way of mediation the same solution as they have sought in vain by war, that is, the diminution or destruction of the power of Paraguay, under the pretext of subserving liberal interests, though in reality in order to serve monopolist and routine interests, the anti-British interests so to say, in which Buenos Ayres and Rio de Janeiro are trying to succeed the Madrid and Lisbon of Colonial times, in opposition to the progressive views of the new régime in America.

May your Excellency please not to forget that whoever seeks and solicits for English immigrants cannot be seeking tyranny and despotism, for every Englishman has in his composition a piece of the British constitution, that is, of the freedom of man.

On the other hand, why wonder, my Lord, that Paraguay should put obstacles in the way of foreigners passing from her soil to the soil of her enemies, when these, in blockading Paraguay, do nothing else than impede the passage of the foreigners residing in their respective territories to the soil of Paraguay? This is the whole

spirit of the measure of Paraguay which is the subject of discussion. It is not that of making the country a prison for any one, but that of preventing the ordinary mode of communication which her geographical situation allows from redounding, under these exceptional circumstances, to a privilege for her enemies, which might be disastrous to herself.

I avail, &c.,

Lord Stanley.

GREGORIO BENITEZ.

Mr. Gould to Lord Stanley.—(Received March 24.)

MY LORD,

Buenos Ayres, February 7, 1868.

I HAVE the honour to report to your Lordship that his Excellency Rear-Admiral Ramsay has informed me of his intention to despatch Her Majesty's gun-boat *Linnet*, to be stationed at Curupaity, for the protection of British interests. His Excellency proceeds to state that her commander has orders to afford a passage to me or any one from this Mission whom I may be desirous of sending to Paraguay, with the view of obtaining the release of the British subjects detained there.

In the absence of special instructions from your Lordship on the subject, I have respectfully declined the kind offer contained in the latter part of his Excellency's despatch, and have addressed to him the reply a copy of which your Lordship will find herewith inclosed.

I have, &c.,

Lord Stanley.

G. F. GOULD.

(Inclosure.)—Mr. Gould to Rear-Admiral Ramsay.

SIR,

Buenos Ayres, February 7, 1868.

I HAVE the honour to acknowledge the receipt of your Excellency's despatch of the 5th instant, acquainting me that it is your intention to send Her Majesty's gun-boat *Linnet* up the river to be stationed at Curupaity for the protection of British interests. Your Excellency further states that her commander is directed to afford a passage to me or any one from Her Majesty's Legation whom I may be desirous of sending to Paraguay with the view of obtaining the release of the British subjects detained there.

On referring to your Excellency's despatch of the 24th October last, addressed to Mr. B. Mathew, I find you then expressed your intention not to send another gun-boat to Paraguay without further instructions from the Lords of the Admiralty; and I am, therefore, led to infer your Excellency must now be in possession of instructions on the subject from Her Majesty's Government which have unfortunately not yet reached this Legation.

While fully concurring in the views expressed in Mr. B. Mathew's

despatches to your Excellency of the 16th and 29th of October last, as to the "moral protection" the presence of one of Her Majesty's vessels within sight of the Paraguayan fortifications would afford to the unfortunate British subjects in Paraguay who may still survive, I regret to inform your Excellency that I do not consider myself at liberty to take any steps with regard to them until I shall have been made acquainted with the intentions of Her Majesty's Government.

More than 3 months have now elapsed since Mr. B. Mathew addressed a note to the Paraguayan Government warning it of the very serious responsibility it had incurred by its refusal to give up the British subjects in question. This note has, as I feared at the time, not even elicited a reply, and I therefore feel confident your Excellency will agree with me that, in the absence of special instructions, this Legation can for the present hold no further communication with the Government of President Lopez.

Your Excellency is, of course, aware of the rigorous blockade maintained by the Brazilian naval forces of the Paraguay as well as of the Paraná above the confluence of the two rivers at a spot called "Las Tres Bocas." Should your Excellency adhere to the intention of sending the *Linnet* to be stationed at Curupaity, where her presence may be of the greatest advantage, I will not fail to take at once all the necessary steps to insure her meeting with no difficulties in passing through the blockading squadron.

I have, &c.,

Rear-Admiral Ramsay.

G. F. GOULD.

Lord Stanley to Señor Benitez.

M. LE CHARGÉ D'AFFAIRES, *Foreign Office, March 25, 1868.*

I HAVE the honour to acknowledge the receipt of your letter of the 18th instant, containing observations with regard to the correspondence on the subject of the hostilities on the River Plate which has recently been laid before Parliament, and suggesting that the influence of Great Britain might be exerted with Brazil with a view to bringing the war to a termination.

I have now the honour to state to you that, if both the Contending Parties should make an application with this object, Her Majesty's Government would not be unwilling to employ their good offices; provided it should appear that the conditions on which either was prepared to make peace were reasonable and likely to be accepted by the other. But in any case Her Majesty's Government must press for the release of British subjects from detention in Paraguay as a preliminary to the exertion of their good offices.

I am, &c.,

Señor Benitez.

STANLEY.

Señor Benitez to Lord Stanley.—(Received April 3.)

MY LORD,

Paraguayan Legation, Paris, April 2, 1868.

I HAVE had the honour of receiving your Excellency's note of the 25th of March last, in which your Excellency is pleased to tell me that Her Britannic Majesty's Government would not forbear to employ its good offices for the purpose of seeking a termination of the hostilities of which the River Plate is the theatre, if both the belligerent parties should show their desire for it, and provided that the conditions of peace should appear reasonable in your Excellency's opinion, and should offer probabilities of mutual acceptance.

I hasten at once, my Lord, to express to your Excellency the gratitude which my Government cannot but feel for the generous and noble inclination of Her Majesty's Government to employ its good offices in favour of peace, and of which I shall take care to inform my Government at the first opportunity.

Meanwhile, I must also hasten to declare to your Excellency that I have no special and direct instruction or authority whatever to solicit for mediation, or any kind of overture from a friendly Power, although I am persuaded that Paraguay would not refuse any national and honourable means of attaining peace, as she has already proved, more than once, during this very war.

But as a long space of time is necessary to write to Paraguay and to get official answers, I consider myself authorized by the circumstances, and by the very interests of my Government, to deduce from the actual history of the question and from the most authentic documents, what would be the basis of discussion which could not but meet with the acceptance of Paraguay, at the time that peace should be offered to her through the good offices of a friendly Power.

The chief, and, perhaps, the only one, is the confirmation and consolidation of the independence of the Oriental State of the Uruguay, with regard to the two Governments which have indirectly given to it the administration which it at present has, in violation of the Treaty of 1828,* concluded under the mediation of Her Britannic Majesty. The independence of the Oriental State being a geographical guarantee for the free navigation of the affluents of the Plate, Paraguay, which cannot exist as a Sovereign State without that freedom, could not but look upon the military occupation of the Oriental Republic by Brazil as a threat or an attack directed against her own security, her own independence, and naturally has had to look upon the lot of the Oriental State as her own.

This condition could never fail to appear as rational to your Excellency's Government, which inspired the formation of the Oriental State; and the belligerents of Paraguay, signatories to the Treaty of 1828, which now they break by common means and to

their common profit, could not treat as unacceptable what they have already accepted, and which bears their signature.

But the inevitable and complementary consequences of this basis would be the immediate evacuation of the territory of Paraguay by the armies and squadrons of the Allies, and the total evacuation of the countries of the Plate by the armies and squadrons of Brazil. Without this condition the independence of the Oriental Republic would be but a mere name.

In consequence of that evacuation, Paraguay would naturally bring her occupation of Matto-Grosso to an end, that having been a measure of reprisal which Brazil put her in a position to take, by the entry of its armies into the Oriental territory, as was anticipated in the ultimatum of 30th August, 1864.

The natural adoption of a principle of compensation widely interpreted and applied, would cause the disappearance of every kind of claim for damages and grievances on either side.

Paraguay would not, of course, relinquish the attitude which now protects her whole existence, without guarantees from her aggressors of a formal and definitive desistance from their military views set down in the Treaty of 1st May, 1865. This Treaty has been determinatively protested against by all the Republics of the Pacific, and implicitly by the maritime Powers of Europe and America. Therefore its total and absolute abandonment could not be considered as an inadmissible and unreasonable condition.

But the most practical guarantee that could be given for that desistance, and for the sincerity of the belligerents in concluding peace upon the aforesaid bases, would be the ratification and confirmation of the principle of the free navigation of the affluents of the Plate for all flags, and the declaration of that principle in a Treaty in which the Oriental Republic, Brazil, and the Argentine Confederation, integrated by Buenos Ayres (which protested against that Treaty before the Governments of England and France), should take part on the one side, and England on the other, as well as every other commercial Power that might wish to adhere to it. Paraguay, as principally interested in this guarantee, would be ready to subscribe the said Treaty, although she has her own already with the maritime States of Europe and America.

Those who have invoked the principle of free river navigation in order to carry the war to Paraguay could not find it inadmissible and unreasonable for a condition of peace. But it will not be sufficient for them to say that that principle is laid down in their internal laws and in the Treaties between riverains. Experience has proved that every principle of that kind which is not declared in Treaties with one or more of the Commercial Powers of Europe cannot be considered as sufficiently guaranteed.

To meet with peace, my Lord, it is indispensable to know what is the interest that has produced its perturbation, and that may be prejudiced by peace. Brazil would not be in the Plate if her presence and co-operation had not been, and were not, even up to the present time, necessary to the existence of the frail and unstable Government which the Argentine Government has received at the hands of a pacific revolution brought about by Buenos Ayres with monopolist views which are irreconcilable with the commercial freedom which Europe longs for in those countries. And as the war is necessary for the maintenance of the alliance which Brazil has in the Plate, the present Argentine Government, which lives by that alliance, will maintain the war, the reason of its being, as necessary to its very existence. It is this which has rendered all attempts at mediation fruitless; first, those for the prevention of the war, and subsequently those to bring it to an end.

If that Government which makes the war its means of its existence be supported by special consideration, every friendly Power that does so at the expense of Paraguay, and of the interior countries of the Plate whose interests and destiny coincide with those of Paraguay, will give an involuntary support to the war which it desires to prevent, and to the restrictive policy which opposes its views of free trade. I beg to call your Excellency's attention to this difficulty in the way of peace, so that it may not be supposed, when the time arrives for seeking peace, that all the difficulties come from the side of Brazil. Although less ostensible, the most tenacious will come from another part, and this consideration convinces me, my Lord, that if a mediation had to take place solely on condition of its being required by all the belligerents, without exception, it would run the risk of becoming impracticable.

Now, my Lord, there remains for me to speak of a condition which depends on your Excellency, and on which condition will depend the entire fate of any negotiation whatever for peace. I refer to the last words of your honoured note of the 25th of March, which I have the honour of answering. If Her Britannic Majesty's Government should consider that it must insist on the departure of the English employed by Paraguay as a preliminary for the exercise of its good offices, it would be more than probable that Brazil might find every proposal of peace inadmissible, whilst the war gave her an illusion of victory as the result of the withdrawal of that element of force from Paraguay before the attainment of peace. I flatter myself, my Lord, that this grave consideration will contribute to the maintenance of that reserve and wisdom with which your Excellency has hitherto conducted this delicate incident, which so deeply affects a country that is a devoted friend to Great Britain.

Your Excellency will also allow me to insist respectfully that it

is only by an involuntary misconception that those persons can be represented as detained who went freely to Paraguay, who have freely renewed their contracts, and who are free to leave Paraguay at this very time by its western frontier, without the necessity of touching the soil of its enemies. To this it is said that the way of Bolivia is impracticable; and yet, my Lord, it has been made use of for two centuries,—for Paraguay, like all the establishments in her region, has received from Spain all those who came to form her population, and the principal elements of her colonization, across nearly the whole of the territory of South America, by Porto-Bello (in Panamá), which is much more distant than Arica and Cobija from the city of Asuncion. Only the immense superiority of the direct way makes that road appear impracticable which has been considered for ages as the most natural. And the Government of Paraguay is so far from preferring the old system that it was the initiator of the modern one in signing its River Navigation Treaty of the month of March, 1853.

In regard to the very few English who are in the service of Paraguay, I will add, my Lord, that not one of them is engaged in military service, not one of them is a soldier. As engineers and machinists they were engaged in England at a time of peace and to serve in the works and labours of peace, in which they will continue after the end of the war; for the steamer and the engines serve for industrial production, and neither they nor the engineers can be considered as contraband of war, although their works may contribute to augment the force of a belligerent country.

Vouchsafe, &c.,

Lord Stanley.

GREGORIO BENITEZ.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. April 4.)

SIR, *Admiralty, March 30, 1868.*

I HAVE laid before my Lords Commissioners of the Admiralty your letter of the 26th March, with its inclosures, from Mr. Gould, Her Majesty's Chargé d'Affaires at Buenos Ayres, respecting the *Linnet* being sent to Curupaity for the protection of British interests.

My Lords desire me to state, for the information of Lord Stanley, that on the receipt of your letter of the 21st December last, directions were given to Rear-Admiral Ramsay to send another gun-boat to Curupaity.

I am, &c.,

Rt. Hon. E. Hammond.

W. G. ROMAINE.

Mr. Gould to Lord Stanley.—(Received April 6.)

MY LORD, *Buenos Ayres, February 21, 1868.*

WITH reference to your Lordship's despatch of the 6th ultimo,

relative to the decision of Her Majesty's Government to send one of Her Majesty's gun-boats to Paraguay, I have the honour to forward herewith the copy of a communication I have considered it advisable to address to the Naval Commander-in-chief on the subject.

I sincerely trust the few suggestions I have ventured to make will be found to meet the views of Her Majesty's Government in sending a gun-boat under present circumstances to be stationed within sight of the Paraguayan positions.

As your Lordship will see, I have endeavoured to point out to the Admiral the impracticability of carrying out that part of the instructions addressed to him which refers to Curupaity, as a vessel stationed at that point would not only be exposed to the greatest danger, but impede the military operations of the belligerents. I have, therefore, deemed it my duty to recommend the substitution of Curuzú for Curupaity, where the gun-boat, while lying in perfect safety, would still be in view of the camp of President Lopez.

In the event of the Allies taking Humaitá there would no longer be any object for the presence of a gun-boat at Curuzú, and I have in consequence further proposed that orders should be issued to her commander to ascend the River Paraguay as far as to Assumption, whenever she can do so with safety.

Your Lordship is doubtless aware no Agent of Her Majesty's Government has visited Paraguay since Mr. Pakenham's mission to Assumption in June, 1865. Moreover, owing to the arbitrary proceedings of President Lopez, and the desperate character of the present protracted war, British subjects in that country have, as I am reliably informed, suffered very much both in person and property.

Pending the arrival of special instructions from your Lordship, which I can scarcely hope to receive for some months, and in consideration of the critical position British subjects will find themselves in at the termination of the war, which now seems to be near at hand, I have informed the Admiral of my intention to adopt temporary measures for the protection of British interests in Paraguay, and requested him to direct the commander of the gun-boat in question to watch over them in the first instance.

I have, &c.,

Lord Stanley.

G. F. GOULD.

Mr. Gould to Lord Stanley.—(Received April 6.)

MY LORD,

Buenos Ayres, February 24, 1868.

WITH reference to my despatch of the 21st instant, I have the satisfaction to acquaint your Lordship that Her Majesty's gun-boat

Linnet, Lieutenant and Commander Percy Bushe, left this morning for Paraguay.

The delay which occurred was entirely caused by the difficulties I experienced in obtaining the necessary facilities for her passage through the blockading squadron at the mouth of the River Paraguay. On my representing the matter to the Brazilian Special Envoy, he stated that he had not the power to take any decision on a point which ought to have been referred to his Government at Rio de Janeiro. He has, however, kindly provided me with a sealed despatch for the allied Commander-in-chief, in which, I am led to believe, he recommends that the requisite facilities should be granted. On the other hand, Señor Elizalde, the Minister for Foreign Affairs, who at first did not seem to understand the real nature of the request, would not consent to defer it to the decision of the Generals in the field. He has, I am happy to say, ended by addressing a note, under flying seal, to the Commander-in-chief of the Argentine forces, directing him to meet the views of Her Majesty's Government in this respect.

I have, &c.,

Lord Stanley.

G. F. GOULD.

Señor Benitez to Lord Stanley.—(Received April 24.)

(Translation.)

MY LORD,

Paraguayan Legation, Paris, April 21, 1868.

THE news from the Plate which reached Lisbon on the 2nd instant, the day on which I had the honour of addressing my former note to your Excellency from Paris, might at first have made the timeliness of that document appear problematical; but now that we know the real extent of what was done by the squadron and the army of Brazil on the 19th of February, and that it is calculated to influence but slightly, or not at all, the duration and results of the war, I think I may have the honour of returning to the subject of my former note, for the purpose of completing a suggestion which I there brought forward, on the means of causing further progress to be made in the freedom of river-navigation if a Treaty of Peace should be brought to bear through the mediation of the maritime Powers.

I had the honour of saying to your Excellency the other day that a Treaty of Peace in which the Allies on one side, Paraguay on the other, and the maritime Powers to whose friendly mediation its promotion would be owing, should undertake to respect, and to cause to be respected, the principle already asserted in internal laws, of the free navigation of the direct and indirect affluents of the Plate, might be the most efficacious means of finishing the present war once for all, fiscal and financial as it is in its causes and aims on the part of its promoters, the Allies, however they may dis-

semble this ; and of making its repetition purposeless and impossible in future.

But what would be the practical means of making the participation of England, France, and the United States, for example, as neutral and mediating Powers, effective in such a stipulation contained in a Treaty of Peace which would only have to be signed by the belligerents ? This is the point which I left unexplained, and which I now beg to submit to your Excellency's indulgent consideration. I believe, my Lord, that the means of doing this already exists in the nature of the things themselves, and it would consist in getting the belligerents to undertake by an Article in their Treaty of Peace to adhere to and subscribe the Treaties on River Navigation of the 10th of July, 1853, which bear the signatures of England, France, and the United States, but which are without those of Brazil, the Oriental State, and Buenos Ayres, countries bordering on the rivers which were the subject of those Treaties ; for that reason the door was left open for the adhesion of those countries which now make war on Paraguay, Article VII being conceived in the following terms :—

“ On réserve particulièrement à Sa Majesté l'Empereur du Brésil, et aux Gouvernements du Paraguay, de Bolivie, et de l'État Oriental de l'Uruguay, de pouvoir prendre part au présent Traité, dans le cas où ils seraient disposés à appliquer ses principes à la partie des fleuves Parana, Paraguay, et Uruguay, sur laquelle ils peuvent posséder respectivement des droits riverains.”

With the exception of Paraguay, which had no need to give that adhesion, as it had already signed a similar Treaty at the beginning of the same year, neither Brazil, nor the Oriental State, nor Buenos Ayres (whose province protested against the Treaties of July) has taken part in them up to the present time. For the reason given, I believe that Paraguay would not hesitate to give its adhesion to the Treaties of July, if it should be necessary, in order that they might be as a common and general law for the free navigation of all the affluents of the Plate.

Neither would the Argentine Republic have any plausible reason for refusing that confirmation, which the signatory Powers of the July Treaties would have the right, for more reasons than one, to demand of it, considering that those Treaties were made by the Argentine Confederation, and protested against by the Province of Buenos Ayres during the temporary separation which it maintained, and which has not received them since its incorporation with the nation. Without this precaution it might return to-morrow to that same isolation, and, concurring in the views of Brazilian policy,

might disavow, as that Empire does, the stipulations and principles of the Treaties of the 10th of July, 1853, alleging that it never expressly and definitively accepted them.

I think, my Lord, that this opportunity should not be lost of putting an end to that ambiguity in the attitude of Buenos Ayres which so much affects the practical results of those Treaties, that province being the immediate possessor of the Island of Martin Garcia, the key to the navigation of the affluents of the Plate.

I avail, &c.,

Lord Stanley.

GREGORIO BENITEZ.

Mr. Gould to Lord Stanley.—(Received May 2.)

(Extract.)

Buenos Ayres, March 25, 1868.

WITH reference to my despatch of the 24th of February, reporting the departure of Her Majesty's gun-boat *Linnet* for Paraguay, I regret to have to inform your Lordship that Lieutenant and Commander Bushe of that vessel has addressed a despatch (copy of which is herewith inclosed) to Rear-Admiral Ramsay stating that, for urgent military reasons, the allied Commander-in-chief, Marquis de Caxias, has distinctly declined to allow, in the present state of warlike operations, Her Majesty's gun-boat to proceed to Curuzú.

On the receipt of the above despatch I immediately went to Monte Video to confer with Senhor Amaral, the Brazilian Special Envoy, as I deemed it advisable to endeavour to arrive at a favourable solution of this unexpected difficulty without having recourse to any formal diplomatic steps which might, I feared, lead hereafter to discussions between Her Majesty's Government and that of Brazil.

I found Senhor Amaral most conciliatory in his professions; but he stated that, in his opinion, a Commander-in-chief was the only competent judge in such matters, and that he could not, therefore, even take upon himself to advise compliance with the (as he admitted) very reasonable request of Her Majesty's Government. He would, however, at once communicate officially to his Government and report privately to the Marquis de Caxias the conversation I had held with him.

I reminded his Excellency that the refusal to permit the passage of Her Majesty's gun-boat to Curuzú would not only cause a painful impression on Her Majesty's Government, but might eventually involve Brazil in several important and embarrassing questions with the neutral Powers. All access to Paraguay, and the territories beyond it, had now been virtually cut off for years by the Brazilian blockade maintained at the entrance of the Paraguay River, and it was

very doubtful how much longer neutral Powers could be reasonably expected to put up with the great loss and inconvenience occasioned by this measure. Both banks of that river up to Curuzú had been for a long time in the undisturbed possession of the Allies, and I could not admit that the presence of a British vessel-of-war below that point and in the rear of the rearmost division of the Brazilian fleet could possibly interfere with the naval operations above that point. I likewise reminded his Excellency that several neutral men-of-war had, on previous occasions, proceeded beyond Curuzú, and that no objection had been raised to the presence of the *Doterel* off that place, at a time when the operations in question were in a far less advanced stage than at present.

On my return to this place I called on Señor Elizalde, the Minister for Foreign Affairs, who seems anxious to further the views of Her Majesty's Government, and has promised to write at once to the Argentine Commander-in-chief, who had not even been consulted by Marshal Caxias when permission was refused to allow Her Majesty's gun-boat to proceed to her destination.

I have also written, unofficially, to Marshal Caxias, and will await his reply to my communication before taking any further steps, as I hope the difficulty will prove to be only of a very temporary nature.

I have addressed a despatch to Rear-Admiral Ramsay (copy of which is likewise inclosed), suggesting that the *Linnet* should, in the meanwhile, remain stationed at the Tres Bocas, the position designated for her to occupy by the allied General-in-chief; and that his Excellency should be requested to forward, by flag of truce, a communication from Lieutenant and Commander Bushe notifying to President Lopez the presence of Her Majesty's gun-boat, and the object with which she has been sent by Her Majesty's Government.

Lord Stanley.

G. F. GOULD.

Lord Stanley to Mr. Gould.

SIR,

Foreign Office, May 4, 1868.

I HAVE received your despatch of the 25th of March last, reporting the steps you have taken, in consequence of the refusal of the Marquis de Caxias to allow Her Majesty's gun-boat *Linnet* to proceed to Curuzú; and I have to acquaint you that Her Majesty's Government entirely approve your proceedings as reported in that despatch.

I am, &c.,

G. F. Gould, Esq.

STANLEY.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. May 5.)

SIR,

Admiralty, May 4, 1868.

I AM commanded by my Lords Commissioners of the Admiralty to transmit herewith, for the information of Lord Stanley, an extract of a letter from Rear-Admiral Ramsay, dated at Monte Video, the 30th March, reporting that he had ordered Her Majesty's gun-boat *Linnet* to be stationed at Tres Bocas, near the entrance of the Paraguay, for the purpose of receiving the British subjects detained in Paraguay.

I am, &c.,

Rt. Hon. E. Hammond.

HENRY G. LENNOX.

Mr. Gould to Lord Stanley.—(Received June 20.)

MY LORD,

Buenos Ayres, May 8, 1868.

LIEUTENANT and Commander Percy Bushe has addressed, under flying seal to Rear-Admiral Ramsay, an interesting report, copy of which is herewith inclosed, of his proceedings and of the progress of the war up to the 2nd instant.

I have at the same time the honour to submit herewith to your Lordship a translation of the reply of President Lopez to the communication addressed to him by Lieutenant Bushe for the sole purpose of informing his Excellency of the arrival of the *Linnet* at the seat of war.

This note, which is couched in evasive terms, is to the effect that the Paraguayan Government will be ready to re-open the previous negotiations with reference to Her Majesty's subjects, and to make all the concessions in its power, compatible with its actual position, as soon as a Diplomatic Agent presents himself who is duly accredited by Her Majesty's Government for that purpose.

I need not remind your Lordship that, on the occasion of my mission to Paraguay, the question was fully discussed; and that since then Mr. Buckley Mathew, Her Majesty's late Minister to this Republic, addressed to Señor Berges a note warning the Paraguayan Government of the serious responsibility it incurred by not permitting the departure of the British subjects alluded to, which has not even been taken notice of.

The desire of President Lopez to compel foreign Powers to enter into diplomatic relations with him is, I venture to think, very evident; and not long ago he held out a similar inducement to the French Representative here, who, however, declined to entertain it under the circumstances.

I have, &c.,

Lord Stanley.

G. F. GOULD.

Lord Stanley to Mr. Gould.

SIR,

Foreign Office, June 22, 1868.

IT is scarcely necessary for me to point out to you, with reference to the British subjects who are detained in Paraguay, that your attention should be steadily directed to the rescue of these persons; but you must be careful at the same time not to raise inconvenient questions, nor attempt to send Her Majesty's gun-boat *Linnet* to Asuncion, against the wish of the Brazilian Admiral. In the event, however, of the Admiral declining to allow the *Linnet* to proceed thither, you will state the grounds of this refusal to Mr. Mathew, in order that he may make any communication to the Brazilian Government which, pending the receipt of instructions from home with regard to the particular points which may be raised, he may deem prudent or likely to be of service.

I am, &c.,

G. F. Gould, Esq.

STANLEY.

Mr. Gould to Lord Stanley.—(Received July 3.)

MY LORD,

Buenos Ayres, May 26, 1868.

I HAVE the honour to acquaint your Lordship that, at the request of his Excellency Señor Elizalde, the Minister for Foreign Affairs, I ventured to place in his hands, under the form of a *note verbale*, as a record of your Lordship's declaration in the House of Commons with reference to the views of Her Majesty's Government as to the hostilities in the River Plate, an extract from the note addressed by your Lordship on the 25th of March last to the Paraguayan Chargé d'Affaires in England, which forms an inclosure in your Lordship's despatch of the 7th ultimo.

I, however, took the precaution of adding that the object of the communication, copy of which is herewith inclosed, was not in any way to imply that Her Majesty's Government were in the least desirous to press their good offices, but merely to acquaint the Argentine Government with their friendly sentiments towards it.

I have, &c.,

Lord Stanley.

G. F. GOULD.

*(Inclosure.)—Note Verbale.**Buenos Ayres, May 15, 1868.*

WITH reference to the subject of the declaration made by Lord Stanley in the House of Commons relative to the hostilities in the River Plate, his Lordship states in a despatch of the 25th March last, addressed to the Paraguayan Chargé d'Affaires in England, "I have now the honour to state to you that, if both the contending parties should make an application with this object" (the termina-

tion of the war), "Her Majesty's Government would not be unwilling to employ their good offices, provided it should appear that the conditions on which either was prepared to make peace were reasonable and likely to be accepted by the other."

The preceding statement is not in any way meant to imply that Her Majesty's Government are in the least desirous of offering their good offices, but merely that his Excellency the Minister for Foreign Affairs should be fully acquainted with the friendly sentiments of Her Majesty's Government towards the Argentine Government.

G. F. GOULD.

Lord Stanley to Mr. Stuart.

(Extract.)

Foreign Office, July 7, 1868.

WITH regard to the war in Paraguay, Her Majesty's Government have at present no inducement to interfere, at least as far as British interests generally are concerned; and there seems little likelihood that any tender of intervention on their part, with a view to the restoration of peace, would be sincerely accepted by both, even if it were by either, of the belligerents.

The more special interest which Her Majesty's Government have at the present moment in the contest turns upon the impediments placed by President Lopez on the retirement of British subjects from Paraguay.

You will keep your attention constantly directed to this matter, and omit no opportunity for the employment of your good offices to effect their extrication from their embarrassing position, though of course you would not, without special instruction, apply to the British Admiral to effect that object by force.

Hon. W. Stuart.

STANLEY.

The Secretary to the Admiralty to Mr. Hammond.—(Rec. July 10.)

SIR,

Admiralty, July 9, 1868.

I HAVE received and laid before my Lords Commissioners of the Admiralty your letter of the 6th instant, and its inclosures from Mr. Gould, Her Majesty's Chargé d'Affaires at Buenos Ayres, relative to the proceedings of Her Majesty's gun-boat *Linnet* in the Paraguay.

My Lords desire me to state, for the information of Lord Stanley, that it appears to them that Lieutenant Bushe, commanding the *Linnet*, has acted with very proper caution, so as to avoid involving himself in difficulty with either of the belligerents in the Paraguay.

Lieutenant Bushe would no doubt take any requisite steps for the protection of British interests, at the proper time; and my

Lords consider that there are not any grounds for complaint against that officer.

The inclosures to your letter are returned herewith.

I am, &c.,

Right Hon. E. Hammond.

HENRY G. LENNOX.

[For Arrangement between the Argentine Republic, Brazil, and Uruguay, for the establishment of a Provisional Government in Paraguay, of June 2, 1869, see Vol. LXIII, page 325; and for Preliminary Treaty of Peace between the Argentine Republic and Brazil and Paraguay, of June 20, 1870, see Vol. LXIII, page 322.]

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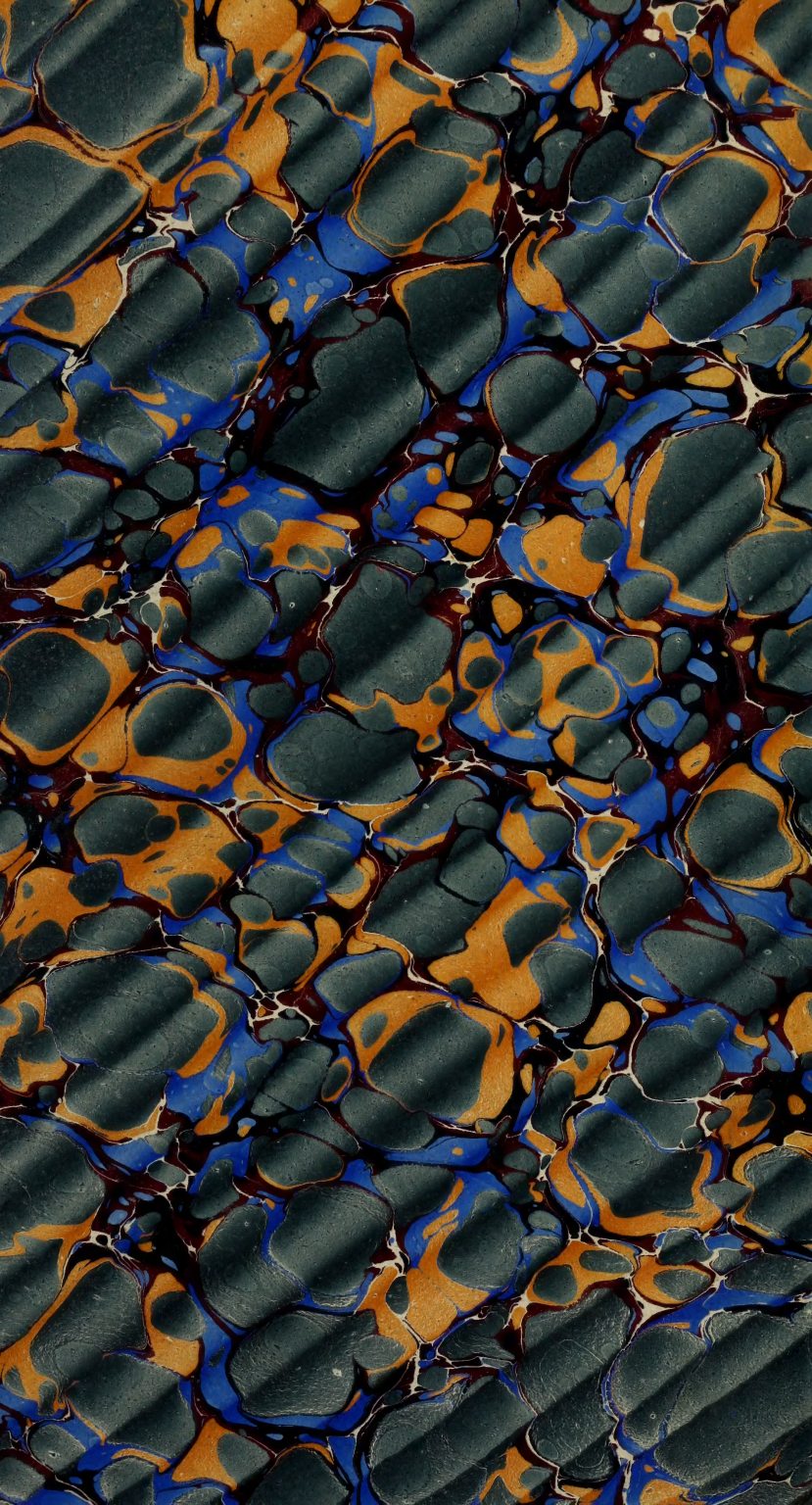
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